United Nations A/HRC/33/L.1

General Assembly

Distr.: Limited
22 September 2016

Original: English

**Human Rights Council**
**Thirty-third session**
Agenda item 1
**Organizational and procedural matters**

**Statement by the President**

## PRST 33/... Reports of the Advisory Committee

At the XX meeting, held on XX September 2016, the President of the Human Rights Council made the following statement:

"The Human Rights Council, recalling its resolutions 5/1 of 18 June 2007 and 16/21 of 25 March 2011, in particular section III of the annexes thereto, including on the functions of the Advisory Committee, takes note of the reports of the Advisory Committee on its sixteenth and seventeenth sessions,[1] and notes that the Advisory Committee has made certain research proposals."

[1] A/HRC/AC/16/2 and A/HRC/AC/17/2

GE.16-16372(E)
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United Nations A/HRC/33/L.2

General Assembly

Distr.: Limited
26 September 2016

Original: English

**Human Rights Council**
**Thirty-third session**
Agenda item 3
**Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development**

**Albania, Argentina,* Australia,* Austria,* Belgium, Bosnia and Herzegovina,* Bulgaria,* Canada,* Chile,* Colombia,* Costa Rica,* Croatia,* Cyprus,* Denmark,* Estonia,* Finland,* Georgia,* Germany, Greece,* Honduras,* Iceland,* Ireland,* Italy,* Latvia, Liechtenstein,* Luxembourg,* Malta,* Montenegro,* Netherlands, Panama, Paraguay, Peru,* Philippines, Poland,* Portugal,* Romania,* Rwanda,* Saint Kitts and Nevis,* Serbia,* Sierra Leone,* Slovakia,* Slovenia, Spain,* Sweden,* Switzerland, Turkey,* Ukraine,* United Kingdom of Great Britain and Northern Ireland, United States of America:* draft resolution**

## 33/... Special Rapporteur on contemporary forms of slavery, including its causes and consequences

*The Human Rights Council,*

*Reaffirming* the Universal Declaration of Human Rights, which states that no one shall be held in slavery or servitude and that slavery and the slave trade shall be prohibited in all their forms,

*Recognizing* the Slavery Convention of 1926, the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery of 1956 and the Forced Labour Convention, 1930 (No. 29), of the International Labour Organization, and other relevant international instruments that prohibit all forms of slavery and call upon Governments to eradicate such practices,

*Recalling* that the Durban Declaration and Programme of Action strongly condemned the fact that slavery and slavery-like practices still exist today in parts of the world, and urged States to take immediate measures as a matter of priority to end such practices, which constitute flagrant violations of human rights,

*Reaffirming* Human Rights Council resolutions 6/14 of 28 September 2007, 15/2 of 29 September 2010 and 24/3 of 26 September 2013,

* State not a member of the Human Rights Council.

*Welcoming* the adoption by the General Assembly of the 2030 Agenda for Sustainable Development,[1]

*Condemning* contemporary forms of slavery, while acknowledging that it is a global issue that affects all continents and most countries of the world, and calling upon States to take appropriate measures as a matter of priority to end such practices,

*Deeply concerned* that the minimum estimate of the number of people subjected to contemporary forms of slavery is that of 21 million victims of forced labour worldwide,

*Recognizing* that discrimination, social exclusion, gender inequality and poverty lie at the heart of contemporary forms of slavery, and the particular vulnerability of migrant workers,

*Stressing* the importance of criminalizing all forms of slavery through national legislation,

*Acknowledging* the challenges to slavery eradication highlighted by the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, including the absence of legislation in some countries, deficiencies and loopholes in legal frameworks, insufficiently dissuasive sanctions, a lack of will and/or resources for implementing law and policy measures, the difficulty in locating and identifying victims and a lack of effective rehabilitation measures,

*Recognizing* that broad international cooperation among States, and between States and relevant intergovernmental and non-governmental organizations, is essential for effectively countering contemporary forms of slavery,

*Recalling* Human Rights Council resolutions 5/1 on institution-building of the Council and 5/2 on the Code of Conduct for Special Procedures Mandate Holders of the Council of 18 June 2007, and stressing that the mandate holder shall discharge his/her duties in accordance with those resolutions and the annexes thereto,

*Convinced* that the issue of contemporary forms of slavery continues to require the attention of the Human Rights Council,

*Bearing in mind* the United Nations Voluntary Fund on Contemporary Forms of Slavery and its importance for addressing the issues raised by the Special Rapporteur, in particular the need for rehabilitation and assistance for victims of contemporary forms of slavery,

1. *Welcomes* the work and takes note with appreciation of the thematic reports of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, including those on contemporary forms of slavery in supply chains and on debt bondage;[2]

2. *Also welcomes* the cooperation of those States that have accepted requests for visits by the Special Rapporteur and have responded to her requests for information;

3. *Further welcomes* the steps taken by States to address contemporary forms of slavery through, inter alia, the adoption of new legislation, the revision of relevant policies and the establishment of independent domestic mechanisms, and urges States to increase their efforts further to combat contemporary forms of slavery;

4. *Renews* the mandate of the Special Rapporteur for a period of three years;

[1] General Assembly resolution 70/1.

[2] A/HRC/30/35 and A/HRC/33/46.

5. *Decides* that the Special Rapporteur shall continue to examine and report on all contemporary forms of slavery and slavery-like practices, but in particular those defined in the Slavery Convention of 1926 and the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery of 1956, and all other issues covered previously by the Working Group on Contemporary Forms of Slavery, in the discharge of the mandate, the Special Rapporteur shall:

(*a*) Promote the effective application of relevant international norms and standards on slavery;

(*b*) Request, receive and exchange information on contemporary forms of slavery from Governments, treaty bodies, special procedures, specialized agencies, intergovernmental organizations, non-governmental organizations and other relevant sources, including on slavery practices and, as appropriate and in line with the current practice, respond effectively to reliable information on alleged human rights violations with a view to protecting the human rights of victims of slavery and preventing violations;

(*c*) Recommend actions and measures applicable at the national, regional and international levels to eliminate slavery practices wherever they occur, including remedies that address the causes and consequences of contemporary forms of slavery, such as poverty, discrimination and conflict, and the existence of demand factors and relevant measures to strengthen international cooperation;

(*d*) Focus principally on aspects of contemporary forms of slavery that are not covered by existing mandates of the Human Rights Council;

6. *Requests* the Special Rapporteur, in carrying out the mandate, to continue:

(*a*) To give careful consideration to specific issues within the scope of the mandate and to include examples of effective practices and relevant recommendations;

(*b*) To take account of the gender and age dimensions of contemporary forms of slavery;

7. *Also requests* the Special Rapporteur to participate in relevant international dialogues and policy forums related to the implementation of the 2030 Agenda for Sustainable Development, particularly the implementation of Goal 8, and to advise States, intergovernmental organizations, civil society and other stakeholders on the effective respect, protection and fulfilment of human rights of those affected by contemporary forms of slavery in the implementation of the 2030 Agenda, and to undertake thematic research on the effective implementation of Goal 8, with a particular focus on target 8.7;[1]

8. *Encourages* the Special Rapporteur to compile and analyse examples of national legislation relating to the prohibition of slavery and slavery-like practices in order to assist States in their national efforts to combat contemporary forms of slavery;

9. *Calls upon* all Governments to cooperate with and assist the Special Rapporteur in the performance of the tasks and duties mandated, to supply all necessary information requested by the mandate holder, and to give serious consideration to responding favourably to the Special Rapporteur's requests to visit their countries so as to enable the mandate holder to fulfil the mandate effectively;

10. *Encourages* the United Nations, including its specialized agencies, regional intergovernmental organizations, Governments, independent experts, interested institutions

[1] Take immediate and effective measures to eradicate forced labour, end modern slavery and human trafficking and secure the prohibition and elimination of the worst forms of child labour, including recruitment and use of child soldiers, and by 2025 end child labour in all its forms.

and non-governmental organizations to cooperate to the fullest extent possible with the Special Rapporteur in the fulfilment of the mandate;

11. *Encourages* States to consider contributing to the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery;

12. *Encourages* the Special Rapporteur to continue to cooperate fully and effectively with all other relevant existing human rights mechanisms, and the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery, taking full account of their contribution while avoiding duplication of their work;

13. *Requests* the Special Rapporteur to submit reports on the implementation of the mandate to the Human Rights Council and the General Assembly in accordance with their annual programmes of work.

United Nations A/HRC/33/L.3

General Assembly

Distr.: Limited
26 September 2016

Original: English

**Human Rights Council**
**Thirty-third session**
Agenda item 3
**Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development**

**Burkina Faso,* Colombia,* New Zealand,* Thailand:* draft resolution**

## 33/... Preventable maternal mortality and morbidity and human rights

*The Human Rights Council*,

*Recognizing* that preventing maternal mortality and morbidity is a human rights priority for all States, and reaffirming that all human rights are universal, indivisible, interrelated, interdependent and mutually reinforcing,

*Recalling* its previous resolutions on preventable maternal mortality and morbidity and human rights,

*Reaffirming* the Beijing Declaration and Platform for Action, the Programme of Action of the International Conference on Population and Development and its review conferences, including the outcome document of the 15-year review of the Programme of Action contained in Commission on Population and Development resolution 2009/1 of 3 April 2009, and their subsequent reviews, reaffirming also the resolutions and agreed conclusions of the Commission on the Status of Women, and noting the adoption by the Committee on Economic, Social and Cultural Rights of its general comment No. 22 (2016) on the right to sexual and reproductive health, and the adoption by the Committee on the Rights of Persons with Disabilities of its general comment No. 3 (2016) on women and girls with disabilities,

*Welcoming* the efforts of the World Health Organization to prevent maternal mortality and morbidity, taking note of World Health Assembly resolution 69.2 and report A68/16, and recalling the global commitment to the reduction of maternal mortality and to universal access to reproductive health,

*Reaffirming* the 2030 Agenda for Sustainable Development,[1] and its call to take the bold and transformative steps urgently needed to shift the world on to a sustainable and

* State not a member of the Human Rights Council.

[1] General Assembly resolution 70/1.

resilient path, to ensure that no one will be left behind and to make efforts to reach the furthest behind first,

*Taking note* of the Secretary-General's renewed Global Strategy on Women's, Children's and Adolescents' Health, and recognizing the important role it may play in the realization of sexual and reproductive health and rights and reducing preventable maternal mortality and morbidity,

*Recognizing* the importance of strengthening coordination between all relevant United Nations agencies in reducing preventable maternal mortality and morbidity, including by developing linkages between the technical guidance prepared by the Office of the United Nations High Commissioner for Human Rights[2] and the Global Strategy on Women's, Children's and Adolescents' Health, including the operational framework[3] and Independent Accountability Panel, and the review processes of the Sustainable Development Goals,

*Stressing* that reducing maternal mortality and morbidity in accordance with human rights obligations and commitments will require efforts across the 2030 Agenda for Sustainable Development, including Sustainable Development Goals 1, 3, 4, 5, 10, 17 and targets 16.1, 16.3 and 16.8, and other possible interlinkages among the Goals, and the Addis Ababa Action Agenda of the Third International Conference on Financing for Development,[4] which is an integral part of the 2030 Agenda, supports and complements it and helps to contextualize its means of implementation targets with concrete policies and actions,

*Recognizing* the positive contribution that the work of the Human Rights Council, including its universal periodic review mechanism, may make to national, regional and global review of the Sustainable Development Goals and follow-up efforts in relation to preventable maternal mortality and morbidity,

*Reaffirming* that States parties to the International Covenant on Economic, Social and Cultural Rights have an obligation to respect, protect and fulfil the right to sexual and reproductive health as an integral part of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health,

*Recognizing* that sexual and reproductive health and rights are integral to the progressive realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, and that comprehensive sexual and reproductive health care and services contain the interrelated and essential elements of availability, accessibility, affordability, acceptability and quality, on the basis of non-discrimination and formal and substantive equality, while including the need to address intersectional and multiple forms of discrimination,

*Emphasizing* that realizing the rights of women and girls, which are equal to those of men and boys, in the context of health and safety requires the provision of differential services, treatment and medicines in accordance with their specific needs throughout their life cycle, which are distinctively different to those of men, and the elimination of the social and economic barriers that may make them more vulnerable;

*Reaffirming* that the human rights of women include a woman's right to have control over, and to decide freely and responsibly on, matters related to her sexuality, including sexual and reproductive health, free of coercion, discrimination and violence, and that equal

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[2] A/HRC/21/22 and Corr. 1 and 2.

[3] World Health Assembly resolution WHA69.2.

[4] General Assembly resolution 69/313.

relationships between women and men in matters of sexual relations and reproduction, including full respect for the integrity of the person, require mutual respect, consent and shared responsibility for sexual behaviour and its consequences,

*Recognizing* the importance of identifying, within the framework of the Sustainable Development Goals, appropriate national indicators in reducing maternal mortality and morbidity in accordance with relevant human rights obligations and commitments,

*Bearing in mind* the need to take measures, such as collecting disaggregated data and conducting surveys, to ensure that all marginalized groups, especially those experiencing multiple and intersecting forms of discrimination, are accounted for in official statistics,

*Deeply concerned* that, despite the impressive reductions in maternal mortality rates achieved since 1990, according to the World Health Organization, in 2015, there were an estimated 303,000 maternal deaths of women and girls, which were largely preventable, and that many more women and girls suffer serious and sometimes lifelong injuries, which have severe consequences for their enjoyment of their human rights and their overall well-being,

*Affirming* that a significant reason for the high rates of maternal mortality and morbidity in developing countries is the lack of much-needed development and infrastructure in certain areas,

*Recognizing* that there are large disparities in maternal mortality and morbidity rates between countries, but also within countries, and between women with a high and a low income, and between those living in rural as against urban areas, and noting with concern that the risk of maternal mortality is highest for adolescent girls under 15 years of age, and that complications in pregnancy and childbirth is a leading cause of death among adolescent girls in developing countries, recognizing also that the risk of maternal mortality and morbidity is exacerbated in conflict and humanitarian crisis situations,

*Deeply concerned* that there are continuing violations of the right to sexual and reproductive health, which have a negative impact on rates of maternal mortality and morbidity, and that the full enjoyment of the right to sexual and reproductive health remains a distant goal for many women and girls throughout the world,

*Regretting* the multitude of factors that can lead to maternal mortality and morbidity, including lack of accessible and appropriate health care and services, information and education, lack of access to emergency obstetric care, poverty, all types of malnutrition, harmful practices, including child, early and forced marriage and female genital mutilation, and denial of contraception and safe abortion, discrimination against women, gender inequality and gender-based stereotypes,

*Convinced* that greater political will and commitment, international cooperation and technical assistance at all levels are urgently required to reduce the unacceptably high global rate of preventable maternal mortality and morbidity, and that the integration of a human rights-based approach can contribute positively to the common goal of reducing that rate,

*Recognizing* the need for enhanced cooperation aimed at strengthening capacities and promoting adequate transfer of technology on mutually agreed terms to developing countries in order to prevent maternal mortality and morbidity in those countries,

*Acknowledging* that the failure to prevent maternal mortality and morbidity is one of the most significant barriers to the empowerment of women and girls in all aspects of life, the full enjoyment of their human rights, their ability to reach their full potential and to sustainable development in general,

1. *Urges* all States to renew their political commitment to eliminate preventable maternal mortality and morbidity at the local, national, regional and international levels due to primary and secondary causes, and to strengthen their efforts to address multiple and intersecting inequalities and to remove all barriers to access to sexual and reproductive health facilities, services, goods and information, and education, ensure the full and effective implementation of their human rights obligations, and their commitments as addressed in the Beijing Declaration and Platform for Action, the Programme of Action of the International Conference on Population and Development and the outcome documents of the review processes, including the commitments relating to sexual and reproductive health and reproductive rights, the 2030 Agenda for Sustainable Development and the Sustainable Development Goals, considering the Goals on improving maternal health and promoting gender equality and empowering women, and other interlinked Goals, by ensuring universal access to quality maternity, sexual and reproductive health services, including through the allocation of domestic resources to health systems and the provision of the necessary information and services in relation to the right to the highest attainable standard of physical and mental health, including the sexual and reproductive health of women and girls;

2. *Requests* States and other relevant actors to give renewed emphasis to maternal mortality and morbidity initiatives in their development partnerships and cooperation arrangements, including by honouring existing commitments and considering new ones, and to the exchange of effective practices and technical assistance to strengthen national capacities, and to integrate a human rights-based perspective into such initiatives, addressing the impact that discrimination against women has on maternal mortality and morbidity;

3. *Urges* States and other relevant stakeholders, including national human rights institutions and non-governmental organizations, to take action at all levels, utilizing a comprehensive human rights-based approach to address the interlinked causes of maternal mortality and morbidity, such as gender inequalities, all forms of discrimination and violence against women, early childbearing, early marriage, poverty, all types of malnutrition, harmful practices such as female genital mutilation, lack of accessible and appropriate health care services for all, information and education, and to pay particular attention to eliminating all forms of violence against women and girls, especially adolescent girls, while ensuring the meaningful and effective participation of women and girls in the relevant processes;

4. *Urges* States to take steps to ensure that laws, policies and practices respect women's equal right to decide autonomously in matters regarding their own lives and health, including their bodies, by repealing discriminatory laws relating to third-party authorization for health information and services, and combating gender stereotypes and behaviours that discriminate against them;

5. *Welcomes* the work of the Office of the United Nations High Commissioner for Human Rights in the follow-up on the application of the technical guidance on the application of a human rights-based approach to the implementation of policies and programmes to reduce preventable maternal mortality and morbidity[1] has been applied to States and other relevant actors, and calls upon States and encourages stakeholders to consider the adoption of the recommendations contained therein;

6. *Calls upon* all relevant actors, including Governments, regional organizations, relevant United Nations agencies, national human rights institutions and civil

[1] See A/HRC/33/24

society organizations to continue to disseminate the technical guidance and to apply it, as appropriate, when designing, implementing and reviewing policies and evaluating programmes to reduce preventable maternal mortality and morbidity, ensuring the meaningful participation of women and girls in all decisions that affect them;

7. *Calls upon* all relevant United Nations agencies, funds and programmes, within their respective mandates, to provide technical cooperation and assistance to States, upon their request, to support the implementation of the technical guidance and other related commitments regarding maternal mortality and morbidity;

8. *Calls upon* States to consider using general comment No. 22 (2016) of the Committee on Economic, Social and Cultural Rights as a point of reference in the implementation of the Sustainable Development Goals;

9. *Also calls upon* States to ensure that indicators adopted at the national level to monitor progress and impact are aligned with human rights obligations and commitments, including in the context of the implementation of the 2030 Agenda, to complement indicator analysis with human rights reporting;

10. *Further calls upon* States to assess existing accountability mechanisms for women's sexual and reproductive health and rights in relation to maternal mortality and morbidity, including the monitoring of inequities, while ensuring access to justice for women and girls, and to build accountability into interventions and strategies, to monitor the functioning and effectiveness of those mechanisms and processes and to take remedial action to ensure they are responsive to human rights;

11. *Encourages* the High Commissioner to promote awareness and utilization of the technical guidance by all relevant actors in order to accelerate the realization of the rights of women and girls and the achievement of Sustainable Development Goal target 3.1, considering its possible interlinkages with other Sustainable Development Goals;

12. *Requests* the High Commissioner to bring to the attention of the High-level working group on women's, children's and adolescents' health the technical guidance, and to encourage close integration of these issues in the development of the report of the high-level working group;

13. *Decides* to convene, at its thirty-fourth session, a panel discussion on the linkages between Sustainable Development Goals 3 and 5 in relation to preventable maternal mortality and morbidity and sexual and reproductive health and rights;

14. *Requests* the Office of the High Commissioner to prepare a report on the panel discussion in the form of a summary;

15. *Requests* the High Commissioner to prepare, from within existing resources, in consultation with States, United Nations agencies and all other relevant stakeholders, a follow-up report on how the technical guidance has been applied by States and other relevant actors, including the United Nations Population Fund, the United Nations Development Programme, UN-Women, and the World Health Organization, and to present it to the Human Rights Council at its thirty-ninth session;

16. *Decides* to remain seized of the matter.

United Nations A/HRC/33/L.3/Rev.1

General Assembly

Distr.: Limited
28 September 2016

Original: English

**Human Rights Council**
**Thirty-third session**
Agenda item 3
**Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development**

**Albania, Andorra,* Austria,* Burkina Faso,* Colombia,* Liechtenstein,* New Zealand,* Romania,* Thailand,* the former Yugoslav Republic of Macedonia, Ukraine:* draft resolution**

## 33/... Preventable maternal mortality and morbidity and human rights

*The Human Rights Council*,

*Recognizing* that preventing maternal mortality and morbidity is one of the human rights priorities for all States, and reaffirming that all human rights are universal, indivisible, interrelated, interdependent and mutually reinforcing,

*Recalling* its previous resolutions on preventable maternal mortality and morbidity and human rights,

*Reaffirming* the Beijing Declaration and Platform for Action and the Programme of Action of the International Conference on Population and Development, and their review conferences and outcome documents, and reaffirming also the resolutions and agreed conclusions of the Commission on the Status of Women, and noting the adoption by the Committee on Economic, Social and Cultural Rights of its general comment No. 22 (2016) on the right to sexual and reproductive health, and the adoption by the Committee on the Rights of Persons with Disabilities of its general comment No. 3 (2016) on women and girls with disabilities,

*Welcoming* the efforts of the World Health Organization to prevent maternal mortality and morbidity, taking note of World Health Assembly resolution 69.2 and report A68/16, and recalling the global commitment to the reduction of maternal mortality and to universal access to reproductive health,

*Taking into account* General Assembly resolution 70/1 of 25 September 2015, entitled "Transforming our world: the 2030 Agenda for Sustainable Development", and its call to take the bold and transformative steps urgently needed to shift the world on to a

* State not a member of the Human Rights Council.

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sustainable and resilient path, to ensure that no one will be left behind and to make efforts to reach the furthest behind first,

*Taking note* of the Secretary-General's renewed Global Strategy on Women's, Children's and Adolescents' Health, and recognizing the important role it may play in the realization of sexual and reproductive health and rights and reducing preventable maternal mortality and morbidity,

*Recognizing* the importance of strengthening coordination between all relevant United Nations agencies, in accordance with their respective mandates, in reducing preventable maternal mortality and morbidity,

*Stressing* that reducing maternal mortality and morbidity in accordance with human rights obligations and commitments will require efforts across the 2030 Agenda for Sustainable Development and the Addis Ababa Action Agenda of the Third International Conference on Financing for Development,[1]

*Recognizing* the positive contribution that the work of the Human Rights Council, including its universal periodic review mechanism, may make to national, regional and global efforts in relation to preventable maternal mortality and morbidity,

*Reaffirming* that States parties to the International Covenant on Economic, Social and Cultural Rights have an obligation to respect, protect and fulfil the right to sexual and reproductive health as an integral part of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health,

*Recognizing* that sexual and reproductive health and rights are integral to the progressive realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, and that comprehensive sexual and reproductive health care and services contain the interrelated and essential elements of availability, accessibility, affordability, acceptability and quality, on the basis of non-discrimination and formal and substantive equality, while including the need to address intersectional and multiple forms of discrimination,

*Emphasizing* that realizing the rights of women and girls, which are equal to those of men and boys, in the context of health and safety requires the provision of differential services, treatment and medicines in accordance with their specific needs throughout their life cycle, which are distinctively different to those of men, and the elimination of the social and economic barriers that may make them more vulnerable,

*Reaffirming* that the human rights of women include a woman's right to have control over, and to decide freely and responsibly on, matters related to her sexuality, including sexual and reproductive health, free of coercion, discrimination and violence, and that equal relationships between women and men in matters of sexual relations and reproduction, including full respect for the integrity of the person, require mutual respect, consent and shared responsibility for sexual behaviour and its consequences,

*Recognizing* the importance of identifying, within the framework of the Sustainable Development Goals, appropriate national indicators in reducing maternal mortality and morbidity in accordance with relevant human rights obligations and commitments,

*Bearing in mind* the need to take measures, such as collecting disaggregated data and conducting surveys, to ensure that no one is left behind, especially women experiencing multiple and intersecting forms of discrimination, and are accounted for in official statistics,

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[1] General Assembly resolution 69/313.

*Deeply concerned* that, despite the impressive reductions in maternal mortality rates achieved since 1990, according to the World Health Organization, in 2015, there were an estimated 303,000 maternal deaths of women and girls, which were largely preventable, and that many more women and girls suffer serious and sometimes lifelong injuries, which have severe consequences for their enjoyment of their human rights and their overall well-being,

*Affirming* that a significant reason for the high rates of maternal mortality and morbidity in developing countries is the lack of adequate development and infrastructure in certain areas,

*Recognizing* that there are large disparities in maternal mortality and morbidity rates between countries, but also within countries, and between women with a high and a low income, and between those living in rural as against urban areas, and noting with concern that the risk of maternal mortality is highest for adolescent girls under 15 years of age, and that complications in pregnancy and childbirth is a leading cause of death among adolescent girls in developing countries, recognizing also that the risk of maternal mortality and morbidity is exacerbated in armed conflict and humanitarian crisis situations,

*Deeply concerned* that there are continuing violations of the right to sexual and reproductive health, which have a negative impact on rates of maternal mortality and morbidity, and that the full enjoyment of this right remains a distant goal for many women and girls throughout the world,

*Regretting* the multitude of factors that can lead to maternal mortality and morbidity, including lack of accessible and appropriate health-care services, information and education, lack of access to emergency obstetric care, poverty, all types of malnutrition, harmful practices, including child, early and forced marriage and female genital mutilation, denial of contraception, unsafe abortion, discrimination against women, gender inequality and gender-based stereotypes,

*Convinced* that greater political will and commitment, international cooperation and technical assistance at all levels are urgently required to reduce the unacceptably high global rate of preventable maternal mortality and morbidity, and that the integration of a human rights-based approach can contribute positively to the common goal of reducing that rate,

*Recognizing* the need for enhanced cooperation aimed at strengthening capacities and promoting adequate transfer of technology on mutually agreed terms to developing countries in order to prevent maternal mortality and morbidity in those countries,

*Acknowledging* that the failure to prevent maternal mortality and morbidity is one of the most significant barriers to the empowerment of women and girls in all aspects of life, the full enjoyment of their human rights, their ability to reach their full potential and to sustainable development in general,

1. *Urges* all States to renew their political commitment to eliminate preventable maternal mortality and morbidity at the local, national, regional and international levels, and to strengthen their efforts to address multiple and intersecting inequalities and to remove all barriers to access to sexual and reproductive health facilities, services, goods and information, and education, ensure the full and effective implementation of their human rights obligations, and their commitments as addressed in the Beijing Declaration and Platform for Action, the Programme of Action of the International Conference on Population and Development and the outcome documents of the review processes, including the commitments relating to sexual and reproductive health and reproductive rights, and the 2030 Agenda for Sustainable Development and the Sustainable Development Goals, considering the Goals on improving maternal health and promoting

gender equality and empowering women, and other interlinked Goals, by ensuring universal access to quality maternity, sexual and reproductive health-care services, including through international assistance and cooperation, the allocation of domestic resources to health systems and the provision of the necessary information and services in relation to the right to the highest attainable standard of physical and mental health, including the sexual and reproductive health of women and girls,

2. *Requests* States and other relevant actors to give renewed emphasis to maternal mortality and morbidity initiatives in their development partnerships and international assistance and cooperation arrangements, including by strengthening technical cooperation to address maternal mortality and morbidity, including through the transfer of expertise, technology and scientific data, and exchanging good practices with developing countries, while honouring existing commitments, and to integrate a human rights-based perspective into such initiatives, addressing the impact that discrimination against women has on maternal mortality and morbidity;

3. *Urges* States and encourages other relevant stakeholders, including national human rights institutions and non-governmental organizations, to take action at all levels, utilizing a comprehensive human rights-based approach to address the interlinked causes of maternal mortality and morbidity, such as lack of accessible, affordable and appropriate health-care services for all, and of information and education, poverty, all types of malnutrition, harmful practices, including child, early and forced marriage and female genital mutilation, early childbearing, gender inequalities and all forms of discrimination and violence against women, and to pay particular attention to eliminating all forms of violence against women and girls, especially adolescent girls, while ensuring the meaningful and effective participation of women and girls in the relevant processes;

4. *Urges* States to take steps to ensure that laws, policies and practices respect women's equal right to decide autonomously in matters regarding their own lives and health, including their bodies, by repealing discriminatory laws relating to third-party authorization for health information and services, and combating gender stereotypes and behaviours that discriminate against them;

5. *Welcomes* the report of the Office of the United Nations High Commissioner for Human Rights on the follow-up on the application of the technical guidance on the application of a human rights-based approach to the implementation of policies and programmes to reduce preventable maternal mortality and morbidity,[1] and encourages States and stakeholders to consider the adoption of the recommendations contained therein;

6. *Calls upon* all relevant actors, including Governments, regional organizations, relevant United Nations agencies, national human rights institutions and civil society organizations to, within their respective mandates, strengthen their efforts to reduce preventable maternal mortality and morbidity, including through the application of the technical guidance, as appropriate, when designing, implementing and reviewing policies and evaluating programmes to reduce preventable maternal mortality and morbidity, while ensuring the meaningful participation of women and girls in all decisions that affect them;

7. *Calls upon* all relevant United Nations agencies, funds and programmes, within their respective mandates, to provide technical cooperation and assistance to States, upon their request, to support the application of the technical guidance and other related commitments regarding maternal mortality and morbidity;

[1] A/HRC/33/24

8. *Encourages* States to consider using general comment No. 22 (2016) of the Committee on Economic, Social and Cultural Rights as a point of reference in their efforts towards the implementation of the Sustainable Development Goals relevant to preventable maternal mortality and morbidity;

9. *Also calls upon* States to ensure that indicators adopted at the national level to monitor progress and impact are aligned with human rights obligations and commitments, including in the context of the implementation of the 2030 Agenda, to complement indicator analysis with human rights reporting;

10. *Further calls upon* States to assess accountability mechanisms, where they exist, in relation to maternal mortality and morbidity, including the monitoring of inequities, while ensuring access to justice for women and girls, and to build accountability into interventions and strategies, to monitor the functioning and effectiveness of those mechanisms and processes and to take remedial action to ensure they are responsive to human rights;

11. *Encourages* the High Commissioner to promote awareness and utilization of the technical guidance, as appropriate, by all relevant actors in order to accelerate the realization of the rights of women and girls and the achievement of Sustainable Development Goal target 3.1, considering its possible interlinkages with other Sustainable Development Goals;

12. *Decides* to convene, at its thirty-fourth session, a panel discussion on the linkages between the Sustainable Development Goals relating to preventable maternal mortality and morbidity and sexual and reproductive health and rights, and that the discussion shall be fully accessible to persons with disabilities, and requests the Office of the High Commissioner to prepare a report on the panel discussion in the form of a summary;

13. *Requests* the High Commissioner to prepare, from within existing resources, in consultation with States, United Nations agencies and all other relevant stakeholders, a follow-up report on good practices and challenges in the application of a human rights-based approach to the elimination of preventable maternal mortality and morbidity, including through the utilization of the technical guidance by States and other relevant actors, including the United Nations Population Fund, the United Nations Development Programme, UN-Women and the World Health Organization, and to present it to the Human Rights Council at its thirty-ninth session;

14. *Decides* to remain seized of the matter.

United Nations A/HRC/33/L.4

General Assembly

Distr.: Limited
27 September 2016

Original: English

**Human Rights Council**
**Thirty-third session**
Agenda item 10
**Technical assistance and capacity-building**

**South Africa,* Sudan:† draft resolution**

## 33/... Technical assistance and capacity-building to improve human rights in the Sudan

*The Human Rights Council*,

*Guided* by the principles and purposes of the Charter of the United Nations,

*Recalling* the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and other relevant international human rights instruments,

*Recalling also* General Assembly resolution 60/251 of 15 March 2006 and Human Rights Council resolutions 5/1 and 5/2 of 18 June 2007,

*Taking note* of the communique of 13 June 2016 of the Peace and Security Council of the African Union on the situation in Darfur, in which the Government of the Sudan is urged to spare no efforts to arrest and prosecute all perpetrators of criminal actions and attacks against personnel and assets of the African Union-United Nations Hybrid Operation in Darfur and against humanitarian organizations and their staff, and referring to the statement of 9 August 2016 by the Chairperson of the African Union Commission in which the parties are urged to ensure rapid progress in negotiations to achieve lasting, sustainable peace,

*Emphasizing* that States have the primary responsibility for the promotion and protection of all human rights,

*Reaffirming* the importance of peace, security and political stability for the realization of all civil, political, economic, social and cultural rights,

*Welcoming* the commitment of the Government of the Sudan to protect and promote human rights in the country,

* On behalf of the States Members of the United Nations that are members of the Group of African States.

† State not a member of the Human Rights Council.

‡ On behalf of the States Members of the United Nations that are members of the Group of Arab States.

*Welcoming also* the national strategy, which runs until 2018, for combating female genital mutilation in a generation, and urging its full implementation,

*Noting* the developments taking place in the Sudan and the record of the Government of the Sudan in the promotion and protection of human rights,

*Welcoming* the cooperation of the Government of the Sudan during the April 2016 visit by the Independent Expert on the situation of human rights in the Sudan and the November 2015 visit by the Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights, and encouraging further cooperation by all parties with relevant mandate holders,

*Welcoming also* the adoption by the Government of the Sudan in March 2016 of an action plan signed by the Government and the United Nations to protect children in armed conflicts and to prevent the illegal recruitment and use of children by the security forces of the Government of the Sudan by strengthening mechanisms for the protection of children, and urging its full implementation,

*Encouraging* the efforts of the Government of the Sudan to implement the recommendations that it accepted as part of the universal periodic review process, encouraging freedom of movement, and expressing serious concern that the Government restricted the travel of individuals seeking to participate in the pre-session meeting in March 2016 relating to the universal periodic review of Sudan,

*Emphasizing* the need to ensure that humanitarian access is available and assistance is provided to internally displaced persons,

1. *Notes* the work of the Independent Expert on the situation of human rights in the Sudan, on providing technical assistance to the Sudan;

2. *Takes note* of the report of the Independent Expert submitted to the Human Rights Council at its thirty-third session,[1] and of the comments of the Government of the Sudan thereon;

3. *Notes with appreciation* the continued cooperation of the Government of the Sudan with the Independent Expert to enable him to fulfil his mandate, and the Government's stated commitment to continue that cooperation;

4. *Encourages* the process of conducting a comprehensive, national dialogue in the Sudan with a view to achieving sustainable peace, and encourages all Sudanese stakeholders to ensure an environment conducive to an inclusive, transparent and credible dialogue;

5. *Welcomes* the declarations by the Government of the Sudan of cessation of hostilities in the two areas, and of the end of the operations in Darfur in June 2016, and encourages all parties to create a conducive atmosphere for, and to sign, a permanent ceasefire, in order to achieve a lasting peace that is respected by all parties and that leads to a lasting improvement in the human rights situation;

6. *Recognizes* the efforts of the Government of the Sudan to implement the Doha Document for Peace in Darfur, and calls on the remaining armed groups to stop fighting, to engage in the peace process and to negotiate in good faith;

7. *Notes* the observation by the Independent Expert that despite some progress, the relevant parties have yet to implement many of the recommendations made in his report to the Human Rights Council at its thirtieth session, which included the following: for the

[1] A/HRC/33/65.

Government of the Sudan to continue deepening its efforts to combat impunity, to prevent the unlawful interference of government in the activities of civil society, for the Government to provide to the National Commission for Human Rights additional financial resources necessary to fulfil its mandate, to continue its efforts in the national dialogue to realize an inclusive, transparent process, and to work with all partners to facilitate humanitarian assistance; for the international community to enhance its technical cooperation with and assistance to the Government, to pursue efforts to support national dialogue, to continue to work closely with civil society stakeholders, and to provide internally displaced persons with humanitarian assistance; and for opposition armed movements in the Sudan to take concrete action towards implementing the recommendations by previous mandate holders, in particular with regard to respect for human rights and international humanitarian law;

8. *Commends* the commitment of the Government of the Sudan to reinforce human rights education and to continue to incorporate human rights principles in the education system, and encourages the Government to enhance its efforts to fully implement the national plan for the protection and promotion of human rights for 2013-2023;

9. *Notes with appreciation* the continued efforts made by the Government of the Sudan in combating human trafficking, and notes the establishment of the national commission for combating human trafficking;

10. *Notes* the establishment of the national commission for combating terrorism;

11. *Notes with appreciation* the hosting by the Sudan of hundreds of thousands of refugees from neighbouring countries and countries in the region;

12. *Encourages* the Government of the Sudan to further promote and protect the right to freedom of religion or belief, and in this respect to comply with its constitutional and international obligations;

13. *Stresses* that conducting investigations into alleged human rights abuses and violations by all parties and holding perpetrators accountable needs to be a foremost priority of the Government of the Sudan;

14. *Expresses serious concern* at reports of the closure of some non-governmental organizations and restrictions on the media, pre- and post-publication censorship, the seizure of newspapers and the banning of some journalists, and at reports of violations of the rights to freedom of expression, freedom of association and peaceful assembly, including of students, human rights defenders and members of civil society organizations;

15. *Urges* the Government of the Sudan to ensure safeguards against arbitrary arrests or detentions and to respect the human rights of all individuals, and expresses serious concern about alleged cases of arbitrary arrest and detention, including of students, human rights defenders and members of civil society organizations;

16. *Condemns* any party's violations or abuses of human rights and international humanitarian law reported in the States of Darfur, Southern Kordofan and Blue Nile, including civilian and humanitarian aid worker casualties, the indiscriminate bombing of humanitarian facilities, and sexual and gender-based violence, and urges all parties to resort to peace and to sign a permanent ceasefire;

17. *Urges* the Government of the Sudan to investigate allegations of human rights violations in the camps for internally displaced persons, with a view to ending such violations;

18. *Encourages* all parties to facilitate access to populations in need of humanitarian assistance, and encourages the Government of the Sudan to intensify its endeavours to address humanitarian needs in conflict-affected areas;

19. *Encourages* the Government of the Sudan to ratify international human rights instruments, as supported by the Government during the universal periodic review of the Sudan;

20. *Encourages* the commitment of the Government of the Sudan to comprehensive national legal reform initiatives to guarantee further full compliance of the State with its constitutional and international human rights obligations, such as provisions of the Criminal Act, of 1991, including those which redefine the offence of rape and dissociate it from adultery, and those which introduce the offence of sexual harassment; the promulgation and implementation of the Act on Combating Human Trafficking and the Smuggling of Persons, the Anti-Corruption Act, and the Act on the Rights of Persons with Disabilities; and the revision of the Press Act, the Community Protection Law at the state level, and the National Security Act;

21. *Urges* Member States, the United Nations High Commissioner for Human Rights, relevant United Nations agencies and other stakeholders to support the efforts of the Government of the Sudan in accordance with the present resolution with a view to further improving the human rights situation in the country, by responding to the Government's requests for technical assistance;

22. *Requests* the Office of the High Commissioner, taking into account the recommendations of the Independent Expert, to provide technical assistance and capacity-building in response to the request from the Government of the Sudan for support on ways to improve the human rights situation in the country and with a view to providing support for the country to fulfil its human rights obligations, including specifically assistance with the legal reforms under way in the country as described in paragraph 20 above so as to help to reconcile those laws with the international obligations of the Sudan;

23. *Notes* the human rights situation and the security situation in conflict-affected areas, particularly in the Darfur region and in the States of Southern Kordofan and Blue Nile, and the profoundly negative impact of this on civilians, in particular women and children, and encourages the Government of the Sudan to continue its cooperation in order to facilitate the visits of the Independent Expert to conflict zones, in fulfilment of his mandate;

24. *Decides* to extend by one year the mandate of the Independent Expert as Independent Expert on the provision of technical assistance for the Sudan, and requests the Independent Expert to report to the Council on the implementation of his mandate as regards technical assistance and capacity-building needs, at its thirty-sixth session, under agenda item 10, and to engage in a constructive manner with the Government of the Sudan, civil society and other relevant stakeholders for the further improvement of the human rights situation in the country;

25. *Calls upon* the Government of the Sudan to continue its full cooperation with the Independent Expert and to continue to permit effective access to visit all areas of the country, and to meet with all relevant actors;

26. *Requests* the High Commissioner to provide all necessary financial and human resources support to the Independent Expert for the implementation of the mandate;

27. *Calls upon* the Government of the Sudan to continue to cooperate with the Office of the High Commissioner in the implementation of the present resolution;

28. *Decides* to consider this issue under agenda item 10.

United Nations

A/HRC/33/L.5

General Assembly

Distr.: Limited
27 September 2016

Original: English

**Human Rights Council**
**Thirty-third session**
Agenda item 10
**Technical assistance and capacity-building**

**Sudan:* † draft resolution**

## 33/... Technical assistance and capacity-building for Yemen in the field of human rights

*The Human Rights Council*,

*Guided* by the purposes and principles of the Charter of the United Nations,

*Reaffirming* the Universal Declaration of Human Rights and relevant international human rights treaties,

*Confirming* the primary responsibility of States to promote and protect human rights,

*Reaffirming* its strong commitment to the sovereignty, independence, unity and territorial integrity of Yemen,

*Recalling* Security Council resolutions 2014 (2011) of 21 October 2011, 2051 (2012) of 12 June 2012 and 2140 (2014) of 26 February 2014, and Human Rights Council resolutions 18/19 of 29 September 2011, 19/29 of 23 March 2012, 21/22 of 27 September 2012, 24/32 of 27 September 2013, 27/19 of 25 September 2014 and 30/18 of 2 October 2015,

*Recalling also* Security Council resolution 2216 (2015) of 14 April 2015,

*Recognizing* that the promotion and the protection of human rights are key factors in ensuring a fair and equitable justice system and, ultimately, reconciliation and stability for the country,

*Welcoming* the acceptance by Yemeni political parties to complete the political transition process on the basis of the Gulf Cooperation Council initiative and its implementation mechanism, and emphasizing the need for implementation of the recommendations made in the outcome document of the National Dialogue Conference and to complete the drafting of a new Constitution,

* State not a member of the Human Rights Council.

† On behalf of the States Members of the United Nations that are members of the Group of Arab States.

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*Welcoming also* the results of the meeting of Yemeni political parties in Riyadh on 17 May 2015 and their commitments to find a political solution to the conflict in Yemen on the basis of the Gulf Cooperation Council initiative, the outcomes of the National Dialogue Conference and Security Council resolution 2216 (2015), and the efforts of the Secretary-General and of his Special Envoy for Yemen,

*Welcoming further* the positive engagement of the Government of Yemen in the Kuwait-hosted peace talks and its acceptance of the road map presented by the Special Envoy of the Secretary-General for Yemen, and encouraging the Government of Yemen to continue its efforts to realize peace and stability in Yemen,

*Recalling* its call for an investigation into all cases of violation and abuse of human rights, and the relevant call made by the United Nations High Commissioner for Human Rights, and welcoming, in this regard, the release in August 2016 of the preliminary detailed report by the national independent commission of inquiry,

*Welcoming* the extension of the mandate of the national independent commission of inquiry for a further year, in accordance with Presidential Decree No. 97 of 24 August 2016, in order for the commission to be able to accomplish its mandate,

*Welcoming* the work of the national independent commission of inquiry, as embodied in its first report, and encouraging the commission to continue working intensively towards the completion of its task during the specified period, in accordance with Presidential Decree No. 97 of 24 August 2016,

*Aware* of reports by the Office for the Coordination of Humanitarian Affairs that the existing humanitarian emergency affects the enjoyment of social and economic rights, and aware that the parties to the conflict must ensure that humanitarian aid is facilitated and not hindered,

1. *Takes note* of the report of the United Nations High Commissioner for Human Rights on the situation of human rights in Yemen[1] and of the debate held at the Human Rights Council during its thirty-third session, notes with interest the statement and comments by the Government of Yemen on the report and welcomes the willingness of the Government to cooperate with the United Nations and the Office of the High Commissioner;

2. *Expresses deep concern* at the serious abuses and violations of international human rights law and the deteriorating humanitarian situation in Yemen, including the continued recruitment of children contrary to international treaties, the abduction of political activists, the violations against journalists, the killing of civilians, the prevention of access for relief and humanitarian aid, the cutting of electricity and water supplies and the attacks against hospitals and ambulances;

3. *Calls upon* all parties in Yemen to respect their obligations under international human rights law and international humanitarian law, to stop immediately attacks on civilians and to ensure humanitarian access to the affected population nationwide;

4. *Calls upon* the Government to take further measures to protect civilians, and to ensure the continuity of effective investigation by the national independent commission of inquiry with a view to ending impunity in all cases of violation and abuse of human rights, including cases of violence against journalists and the detention of journalists and political activists;

[1] A/HRC/33/38.

5. *Calls upon* all parties in Yemen to implement fully Security Council resolution 2216 (2015), which will contribute to an improvement in the human rights situation and which contains specific concerns and places particular demands on Ali Abdullah Saleh and the Houthis to release political prisoners and journalists and to engage in the political process in an inclusive, peaceful and democratic way, ensuring that women are part of the political and peacemaking process, and calls upon Ali Abdullah Saleh and the Houthis to sign the road map presented by the Special Envoy of the Secretary-General for Yemen;

6. *Demands* that all Yemeni parties to the conflict end the recruitment and use of children and release those who have already been recruited, and calls upon all parties to cooperate with the United Nations for their reintegration into their communities, taking into consideration the relevant recommendations made by the Secretary-General in his reports on children and armed conflict;

7. *Reiterates* the commitments and obligations of the Government of Yemen to promote and protect the human rights of all individuals within its territory and subject to its jurisdiction, and in that connection recalls that Yemen is a party to the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child and the Optional Protocols thereto on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography, the Convention on the Rights of Persons with Disabilities, and the Convention relating to the Status of Refugees and the Protocol thereto, and looks forward to the Government continuing its efforts to promote and protect human rights;

8. *Expresses deep concern* at the deteriorating human rights situation in Yemen, expresses its appreciation to donor States and to organizations working on improving the humanitarian situation, and calls upon the international community to provide financial support for the Yemen humanitarian response plan for 2016 and to fulfil its pledges to the relevant United Nations humanitarian appeal;

9. *Invites* all bodies of the United Nations system, including the Office of the High Commissioner, and Member States, to assist the transitional process in Yemen, including by supporting the mobilization of resources to tackle the consequences of the violence and the economic and social challenges faced by Yemen, in coordination with the international donor community and in accordance with the priorities set by the Yemeni authorities;

10. *Requests* the High Commissioner, when allocating additional international human rights experts to its Yemen programme in coordination with the Government of Yemen, to work closely with the national independent commission of inquiry to enable it to establish the facts and circumstances of any violations and abuses, and to provide substantive technical assistance and advice, including in the areas of accountability and legal support, to enable the national commission to complete its investigatory work, which includes ensuring that the national commission investigates allegations of violation and abuse committed by all parties to the conflict, in line with international standards; requests the national commission to submit its final comprehensive report on alleged human rights violations and abuses in all parts of Yemen as soon as it is available; and encourages all parties to the conflict in Yemen to grant full access to and to cooperate fully and transparently with the national commission and the Office of the High Commissioner;

11. *Also requests* the High Commissioner to present to the Human Rights Council, at its thirty-fifth session, an oral update on the human rights situation in Yemen, and at its thirty-sixth session, a report on the implementation of the present resolution on technical assistance and capacity-building in Yemen in the field of human rights.

United Nations A/HRC/33/L.6

General Assembly

Distr.: Limited
26 September 2016

Original: English

**Human Rights Council**
**Thirty-third session**
Agenda item 3
**Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development**

**Albania, Andorra,* Armenia,* Austria,* Belgium, Bosnia and Herzegovina,* Brazil,* Bulgaria,* Chile,* Côte d'Ivoire, Croatia,* Cyprus,*, Czechia,* Denmark,* Estonia,* Finland,* France, Georgia, Germany, Greece,* Honduras,* Hungary,* Iceland,* Ireland,* Israel,* Italy,* Japan,* Kenya, Latvia, Liechtenstein,* Lithuania,* Luxembourg,* Mali,* Malta,* Mexico, Monaco,* Montenegro,* Morocco, Netherlands, Norway,* Panama, Peru,* Poland,* Portugal, Qatar, Republic of Moldova,* Romania,* Serbia,* Slovakia,* Slovenia, Spain,* Sweden,* Switzerland, Timor-Leste,* Tunisia,* Ukraine,* United States of America,* Uruguay:* draft resolution**

## 33/... The safety of journalists

*The Human Rights Council*,

*Guided* by the purposes and principles of the Charter of the United Nations,

*Reaffirming* the Universal Declaration of Human Rights, and recalling relevant international human rights treaties, including the International Covenant on Civil and Political Rights and the International Convention for the Protection of All Persons from Enforced Disappearance, and the Geneva Conventions of 12 August 1949 and the Additional Protocols thereto of 8 June 1977,

*Recalling* all General Assembly resolutions on the safety of journalists and the issue of impunity, including resolutions 68/163 of 18 December 2013, in which the Assembly proclaimed 2 November as the International Day to End Impunity for Crimes against Journalists, and 70/162 of 17 December 2015, and Security Council resolutions 1738 (2006) of 23 December 2006 and 2222 (2015) of 27 May 2015, on the protection of civilians in armed conflict,

*Recalling also* Human Rights Council resolutions 21/12 of 27 September 2012 and 27/5 of 25 September 2014, on the safety of journalists, Council decision 24/116 of 26 September 2013, on a panel discussion on the safety of journalists, and all other relevant

* State not a member of the Human Rights Council

resolutions of the Commission on Human Rights and the Council, in particular Council resolution 12/16 of 2 October 2009 and all other resolutions on the right to freedom of opinion and expression, Council resolution 13/24 of 26 March 2010, on the protection of journalists in situations of armed conflict, Council resolution 28/16 of 26 March 2015, on the right to privacy in the digital age, and Council resolutions 26/13 of 26 June 2014 and 32/13 of 1 July 2016, on the promotion, protection and enjoyment of human rights on the Internet,

*Welcoming* the latest report of the Secretary-General on the safety of journalists and the issue of impunity,[1] and recalling his previous report thereon,[2]

*Recalling* all relevant reports of the special procedures of the Human Rights Council on the safety of journalists, in particular the reports of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the Special Rapporteur on extrajudicial, summary or arbitrary executions, presented to the Council at its twentieth session,[3] and the interactive dialogue thereon,

*Recalling also* the report of the Office of the United Nations High Commissioner for Human Rights on good practices in the safety of journalists,[4] the panel discussion of the Human Rights Council on the issue of the safety of journalists, held on 11 June 2014, and the summary report of the Office of the High Commissioner thereon,[5]

*Welcoming* the important work of the United Nations Educational, Scientific and Cultural Organization for the safety of journalists, and taking note with appreciation of its 2015 publications, entitled *World Trends in Freedom of Expression and Media Development* and *Building Digital Safety for Journalism*,

*Taking note with appreciation* of the United Nations Plan of Action on the Safety of Journalists and the Issue of Impunity, endorsed by the United Nations System Chief Executives Board for Coordination on 12 April 2012, in which United Nations agencies, funds and programmes were invited to work with Member States towards a free and safe environment for journalists and media workers in both conflict and non-conflict situations, with a view to strengthening peace, democracy and development worldwide,

*Welcoming* the adoption of the 2030 Agenda for Sustainable Development[6] and the commitments therein to, inter alia, promote peaceful and inclusive societies for sustainable development, including by ensuring public access to information and protecting fundamental freedoms, in accordance with national legislation and international agreements, and therefore recognizing the important contribution of the promotion and protection of the safety of journalists in this regard,

*Welcoming also* initiatives taken by States, media organization and civil society relevant to the safety of journalists, and taking note in this regard of the Freelance Journalist Safety Principles and the International Declaration on the Protection of Journalists presented at the World Congress of the International Press Institute, held in March 2016 in Doha,

*Mindful* that the right to freedom of opinion and expression is a human right guaranteed to all, in accordance with article 19 of the Universal Declaration of Human

[1] A/70/290.
[2] A/69/268.
[3] A/HRC/20/17 and 22.
[4] A/HRC/24/23.
[5] A/HRC/27/35.
[6] General Assembly resolution 70/1.

Rights and of the International Covenant on Civil and Political Rights, and that it constitutes one of the essential foundations of a democratic society and one of the basic conditions for its progress and development,

*Recognizing* that the work of journalists often puts them at specific risk of intimidation, harassment and violence, the presence of which often deters journalists from continuing their work or encourages self-censorship, consequently depriving society of important information,

*Deeply concerned* by all human rights violations and abuses committed in relation to the safety of journalists and media workers, including killing, torture, enforced disappearance, arbitrary arrest and arbitrary detention, expulsion, intimidation, harassment, threats and acts of other forms of violence,

*Expressing deep concern* at the increased number of journalists and media workers who have been killed, tortured, arrested or detained in recent years as a direct result of their profession,

*Expressing further serious concern* at attacks and violence against journalists and media workers in situations of armed conflict, and recalling in this regard that journalists and media workers engaged in dangerous professional missions in areas of armed conflict shall be considered civilians and shall be protected as such, provided that they take no action adversely affecting their status as civilians,

*Expressing deep concern* at the growing threat to the safety of journalists posed by non-State actors, including terrorist groups and criminal organizations,

*Recognizing* that national legal frameworks consistent with States' international human rights obligations and commitments are an essential condition for a safe and enabling environment for journalists, and expressing deep concern about the misuse of national laws, policies and practices to hinder or limit the ability of journalists to perform their work independently and without undue interference,

*Acknowledging* the specific risks faced by women journalists in the exercise of their work, and underlining in this context the importance of taking a gender-sensitive approach when considering measures to address the safety of journalists,

*Emphasizing also* the particular risks with regard to the safety of journalists in the digital age, including the particular vulnerability of journalists to becoming targets of unlawful or arbitrary surveillance and/or interception of communications in violation of their rights to privacy and to freedom of expression,

*Recognizing* the crucial role of journalists and media workers in the context of elections, including to inform the public about candidates, their platforms and ongoing debates, and expressing serious concern that attacks against journalists and media workers increase during election periods,

*Bearing in mind* that impunity for attacks and violence against journalists constitutes one of the greatest challenges to the safety of journalists, and that ensuring accountability for crimes committed against journalists is a key element in preventing future attacks,

1. *Condemns unequivocally* all attacks and violence against journalists and media workers, such as torture, killings, enforced disappearances, arbitrary arrest and arbitrary detention, intimidation, threats and harassment, including through attacks on or the forced closure of their offices and media outlets, in both conflict and non-conflict situations;

2. *Also condemns unequivocally* the specific attacks on women journalists in the exercise of their work, including sexual and gender-based discrimination and violence, intimidation and harassment, online and offline;

3. *Strongly condemns* the prevailing impunity for attacks and violence against journalists, and expresses grave concern that the vast majority of these crimes go unpunished, which in turn contributes to the recurrence of these crimes;

4. *Urges* States to do their utmost to prevent violence, threats and attacks against journalists and media workers, to ensure accountability through the conduct of impartial, prompt, thorough, independent and effective investigations into all alleged violence, threats and attacks against journalists and media workers falling within their jurisdiction, to bring perpetrators, including those who command, conspire to commit, aid and abet or cover up such crimes to justice, and to ensure that victims and their families have access to appropriate remedies;

5. *Calls upon* States to create and maintain, in law and in practice, a safe and enabling environment for journalists to perform their work independently and without undue interference, including by means of (*a*) legislative measures; (*b*) supporting the judiciary in considering training and awareness-raising and supporting training and awareness-raising among law enforcement officers and military personnel, as well as among journalists and civil society, regarding international human rights and humanitarian law obligations and commitments relating to the safety of journalists; (*c*) the regular monitoring and reporting of attacks against journalists; (*d*) publicly, unequivocally and systematically condemning violence and attacks; and (*e*) dedicating the resources necessary to investigate and prosecute such attacks;

6. *Also calls upon* States to develop and implement strategies for combating impunity for attacks and violence against journalists, including by using, where appropriate, good practices such as those identified during the panel discussion held on 11 June 2014 and or compiled in the report of the Office of the United Nations High Commissioner for Human Rights,[4] inter alia:

(*a*) The creation of special investigative units or independent commissions;

(*b*) The appointment of a specialized prosecutor;

(*c*) The adoption of specific protocols and methods of investigation and prosecution;

(*d*) The training of prosecutors and the judiciary on the safety of journalists;

(e) The establishment of information-gathering mechanisms, such as databases, to permit the gathering of verified information about threats and attacks against journalists;

(*f*) The establishment of an early warning and rapid response mechanism to give journalists, when threatened, immediate access to the authorities and protective measures;

7. *Further calls upon* States to implement more effectively the applicable legal framework for the protection of journalists and media workers in order to combat the pervasive impunity, including through enforcement mechanisms with the capacity to pay systematic attention to their safety;

8. *Urges* States to bring their laws, policies and practices fully into compliance with their obligations and commitments under international human rights law, and to review and where necessary amend them so that they do not limit the ability of journalists and media workers to perform their work independently and without undue interference;

9. *Urges* the immediate and unconditional release of journalists and media workers who have been arbitrarily arrested or arbitrarily detained, taken hostage or who have become victims of enforced disappearances;

10. *Calls upon* all States to pay particular attention to the safety of journalists during periods of elections and while covering events in which persons are exercising their rights to peaceful assembly and freedom of expression, taking into account their specific role, exposure and vulnerability;

11. *Also calls upon* States to ensure that measures to combat terrorism and preserve national security or public order are in compliance with their obligations under international law and do not arbitrarily or unduly hinder the work and safety of journalists, including through arbitrary arrest or detention, or the threat thereof;

12. *Further calls upon* States to protect in law and in practice the confidentiality of journalists' sources, in acknowledgement of the essential role of journalists in fostering government accountability and an inclusive and peaceful society, subject only to limited and clearly defined exceptions provided in national legal frameworks, including judicial authorization, in compliance with States' obligations under international human rights law;

13. *Emphasizes* that, in the digital age, encryption and anonymity tools have become vital for many journalists to exercise freely their work and their enjoyment of human rights, in particular their rights to freedom of expression and to privacy, including to secure their communications and to protect the confidentiality of their sources, and calls upon States not to interfere with the use of such technologies, with any restrictions thereon complying with States' obligations under international human rights law;

14. *Also emphasizes* the important role that media organizations can play in providing adequate safety, risk awareness, digital security and self-protection training and guidance to journalists and media workers, together with protective equipment and insurances, where necessary;

15. *Stresses* the need to ensure better cooperation and coordination at the international level, including through technical assistance and capacity-building, with regard to ensuring the safety of journalists, and encourages national, subregional, regional and international human rights mechanisms and bodies, including the relevant special procedures of the Human Rights Council, treaty bodies and national human rights institutions, in the framework of their mandates, to continue to address the relevant aspects of the safety of journalists in their work;

16. *Invites* United Nations agencies, funds and programmes, other international and regional organizations, Member States and all relevant stakeholders, when applicable and in the scope of their mandates, to cooperate further in promoting awareness of and implementing the United Nations Plan of Action on the Safety of Journalists and the Issue of Impunity, and to this end calls upon States to cooperate with relevant United Nations entities, in particular the United Nations Educational, Scientific and Cultural Organization, relevant special procedures of the Human Rights Council and international and regional human rights mechanisms;

17. *Invites* States to share information on a voluntary basis on the status of investigations into attacks and violence against journalists, including in response to requests by the United Nations Educational, Scientific and Cultural Organization through the mechanism operated by its International Programme for the Development of Communication;

18. *Encourages* States to continue to address the issue of the safety of journalists through the process of the universal periodic review;

19. *Requests* the High Commissioner to prepare a report with an overview of available mechanisms concerned with ensuring the safety of journalists, including existing international and regional prevention, protection, monitoring and complaint mechanisms, with a view to providing an analysis of their effectiveness, in consultation with States, the mechanisms themselves and all other relevant stakeholders, and to submit to the Human Rights Council at its thirty-ninth session;

20. *Decides* to continue its consideration of the safety of journalists in accordance with its programme of work.

United Nations A/HRC/33/L.7

General Assembly

Distr.: Limited
23 September 2016

Original: English

**Human Rights Council**
**Thirty-third session**
Agenda item 3
**Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development**

**Belarus,* Bolivia (Plurinational State of), Cuba, Democratic People's Republic of Korea,* Ecuador, El Salvador, Eritrea,* Namibia, Nicaragua,* Venezuela (Bolivarian Republic of): draft resolution**

## 33/... Promotion of a democratic and equitable international order

*The Human Rights Council,*

*Recalling* all previous resolutions of the General Assembly, the Commission on Human Rights and the Human Rights Council on the promotion of a democratic and equitable international order, in particular Assembly resolution 65/223 of 21 December 2010 and Council resolutions 8/5 of 18 June 2008, 18/6 of 29 September 2011, 21/9 of 27 September 2012, 25/15 of 27 March 2014, 27/9 of 25 September 2014 and 30/29 of 2 October 2015,

*Reaffirming* the commitment of all States to fulfil their obligations to promote universal respect for, and observance and protection of, all human rights and fundamental freedoms for all, in accordance with the Charter of the United Nations, other instruments relating to human rights, and international law,

*Affirming* that the enhancement of international cooperation for the promotion and the protection of all human rights should continue to be carried out in full conformity with the purposes and principles of the Charter and of international law as set forth in Articles 1 and 2 of the Charter and, inter alia, with full respect for sovereignty, territorial integrity, political independence, the non-use of force or the threat of force in international relations and non-intervention in matters that are essentially within the domestic jurisdiction of any State,

*Recalling* the Preamble to the Charter, in particular the determination to reaffirm faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and of nations large and small,

* State not a member of the Human Rights Council

*Reaffirming* that everyone is entitled to a social and international order in which the rights and freedoms set forth in the Universal Declaration of Human Rights can be fully realized,

*Reaffirming also* the determination expressed in the Preamble to the Charter to save succeeding generations from the scourge of war, to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained, to promote social progress and better standards of life in larger freedom, to practice tolerance and good neighbourliness, and to employ international machinery for the promotion of the economic and social advancement of all peoples,

*Stressing* that the responsibility for managing worldwide economic and social issues and threats to international peace and security must be shared among the nations of the world and should be exercised multilaterally and that, in this regard, the central role must be played by the United Nations as the most universal and representative organization in the world,

*Concerned* about the continued abuse by Member States of the extraterritorial application of their national legislation in a manner that affects the sovereignty of other States, the legitimate interests of entities or persons under their jurisdiction and the full enjoyment of human rights,

*Considering* the major changes taking place on the international scene and the aspirations of all peoples for an international order based on the principles enshrined in the Charter, including promoting and encouraging respect for human rights and fundamental freedoms for all and respect for the principle of equal rights and self-determination of peoples, peace, democracy, justice, equality, the rule of law, pluralism, development, better standards of living and solidarity,

*Recognizing* that the enhancement of international cooperation in the field of human rights is essential for the full achievement of the purposes of the United Nations, including the effective promotion and protection of all human rights,

*Considering* that the Universal Declaration of Human Rights proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set out therein, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

*Reaffirming* that democracy, development and respect for human rights and fundamental freedoms are interdependent and mutually reinforcing, and that democracy is based on the freely expressed will of the people to determine their own political, economic, social and cultural systems and their full participation in all aspects of their lives,

*Recognizing* that the promotion and the protection of human rights should be based on the principle of cooperation and genuine dialogue and be aimed at strengthening the capacity of Member States to comply with their human rights obligations for the benefit of all human beings,

*Emphasizing* that democracy is not only a political concept but also has economic and social dimensions,

*Recognizing* that democracy, respect for all human rights, including the right to development, transparent and accountable governance and administration in all sectors of society, and effective participation by civil society are an essential part of the necessary foundations for the realization of social and people-centred sustainable development,

*Noting with concern* that racism, racial discrimination, xenophobia and related intolerance may be aggravated by, inter alia, the inequitable distribution of wealth, marginalization and social exclusion,

*Reaffirming* that dialogue among religions, cultures and civilizations could contribute greatly to the enhancement of international cooperation at all levels,

*Underlining* the fact that it is imperative for the international community to ensure that globalization becomes a positive force for all the world's people, and that only through broad and sustained efforts, based on our common humanity in all its diversity, can globalization be made fully inclusive and equitable,

*Stressing* the need for adequate financing of and technology transfer to developing countries, in particular landlocked developing countries and small island developing States, including to support their efforts to adapt to climate change,

*Resolved* to take all measures within its power to secure a democratic and equitable international order,

1. *Reaffirms* that everyone is entitled to a democratic and equitable international order;

2. *Also reaffirms* that a democratic and equitable international order fosters the full realization of all human rights for all;

3. *Declares* that democracy includes respect for all human rights and fundamental freedoms and is a universal value that is based on the freely expressed will of people to determine their own political, economic, social and cultural systems and their full participation in all aspects of their lives, and reaffirms the need for universal adherence to and implementation of the rule of law at both the national and international levels;

4. *Reaffirms* the Universal Declaration of Human Rights, in particular the principle that the will of the people, as expressed through periodic and genuine elections, shall be the basis of government authority, as well as the right to choose representatives freely through periodic and genuine elections, which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures;

5. *Calls upon* all Member States to fulfil their commitment expressed during the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in Durban, South Africa, to maximize the benefits of globalization through, inter alia, the strengthening and enhancement of international cooperation to increase equality of opportunities for trade, economic growth and sustainable development, global communications through the use of new technologies and increased intercultural exchange through the preservation and promotion of cultural diversity, and reiterates that only through broad and sustained efforts to create a shared future based upon our common humanity and all its diversity can globalization be made fully inclusive and equitable;

6. *Reaffirms* that a democratic and equitable international order requires, inter alia, the realization of the following:

(*a*) The right of all peoples to self-determination, by virtue of which they can freely determine their political status and pursue freely their economic, social and cultural development, in accordance with the Charter of the United Nations and relevant resolutions of the United Nations;

(*b*) The right of peoples and nations to permanent sovereignty over their natural wealth and resources;

(*c*) The right of every human person and all peoples to development;

(*d*) The right of all peoples to peace;

(*e*) The right to an international economic order based on equal participation in the decision-making process, interdependence, mutual interest, solidarity and cooperation among all States;

(*f*) International solidarity, as a right of peoples and individuals;

(*g*) The promotion and consolidation of transparent, democratic, just and accountable international institutions in all areas of cooperation, in particular through the implementation of the principle of full and equal participation in their respective decision-making mechanisms;

(*h*) The right to equitable participation of all, without any discrimination, in domestic and global decision-making;

(*i*) The principle of equitable regional and gender-balanced representation in the composition of the staff of the United Nations system;

(*j*) The promotion of a free, just, effective and balanced international information and communications order based on international cooperation for the establishment of a new equilibrium and greater reciprocity in the international flow of information, in particular correcting the inequalities in the flow of information to and from developing countries;

(*k*) Respect for cultural diversity and the cultural rights of all, since this enhances cultural pluralism, contributes to a wider exchange of knowledge and understanding of cultural backgrounds, advances the application and enjoyment of universally accepted human rights across the world and fosters stable, friendly relations among peoples and nations worldwide;

(*l*) The right of every person and all peoples to a healthy environment and to enhanced international cooperation that responds effectively to the needs for assistance of national efforts to adapt to climate change, particularly in developing countries, and that promotes the fulfilment of international agreements in the field of mitigation;

(*m*) The promotion of equitable access to benefits from the international distribution of wealth through enhanced international cooperation, in particular in economic, commercial and financial international relations;

(*n*) The enjoyment by everyone of ownership of the common heritage of mankind in connection to the public right of access to culture;

(*o*) The shared responsibility of the nations of the world for managing worldwide economic and social development, as well as threats to international peace and security, that should be exercised multilaterally;

7. *Stresses* the importance of preserving the rich and diverse nature of the international community of nations and peoples, as well as of respect for national and regional particularities and various historical, cultural and religious backgrounds, in the enhancement of international cooperation in the field of human rights;

8. *Also stresses* that all human rights are universal, indivisible, interdependent and interrelated and that the international community must treat human rights globally in a fair and equal manner, on the same footing and with the same emphasis, and reaffirms that, while the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, it is the duty of States, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms;

9. *Reaffirms*, among other principles, the principles of sovereign equality of States, of non-intervention and of non-interference in internal affairs;

10. *Urges* all actors on the international scene to build an international order based on inclusion, justice, equality and equity, human dignity, mutual understanding and the promotion of and respect for cultural diversity and universal human rights, and to reject all doctrines of exclusion based on racism, racial discrimination, xenophobia and related intolerance;

11. *Reaffirms* that all States should promote the establishment, maintenance and strengthening of international peace and security, and to that end should do their utmost to achieve general and complete disarmament under effective international control, and to ensure that the resources released by effective disarmament measures are used for comprehensive development, in particular that of developing countries;

12. *Underlines* that attempts to overthrow legitimate governments by force disrupt the democratic and constitutional order, the legitimate exercise of power and the full enjoyment of human rights;

13. *Reaffirms* the need to continue to work urgently for the establishment of an international economic order based on equity, sovereign equality, interdependence, common interest and cooperation among all States, irrespective of their economic and social systems, in order to correct inequalities and redress existing injustices, to make it possible to eliminate the widening gap between developed and developing countries and to ensure steadily accelerating economic and social development and peace and justice for present and future generations;

14. *Urges* States to continue their efforts, through enhanced international cooperation, towards the promotion of a democratic and equitable international order;

15. *Affirms* that a democratic and equitable international order, as prescribed in the Charter of the United Nations, cannot be achieved through the deregulation of trade, markets and financial services;

16. *Takes note* of the report of the Independent Expert on the promotion of a democratic and equitable international order;[1]

17. *Invites* the Independent Expert to continue his research into the impact of financial and economic policies pursued by international organizations and other institutions, in particular the World Bank and the International Monetary Fund, on a democratic and equitable international order;

18. *Calls upon* all Governments to cooperate with and assist the Independent Expert in the discharge of his mandate, and to provide him with all the necessary information requested by him in order to enable him to fulfil his duties effectively;

19. *Requests* the United Nations High Commissioner for Human Rights to continue to provide all the necessary human and financial resources for the effective fulfilment of the mandate by the Independent Expert;

20. *Requests* the Independent Expert to submit to the Human Rights Council, at its thirty-sixth session, a report on the implementation of the present resolution;

21. *Invites* the Independent Expert to continue to develop close cooperation with academia, think tanks and research institutes, such as the South Centre, and with other stakeholders from all regions;

[1] A/HRC/33/40

22. *Requests* the human rights treaty bodies, the Office of the High Commissioner, the special mechanisms of the Human Rights Council and the Human Rights Council Advisory Committee to pay due attention, within their respective mandates, to the present resolution and to make contributions to its implementation;

23. *Calls upon* the Office of the High Commissioner to build upon the issue of the promotion of a democratic and equitable international order;

24. *Requests* the Office of the High Commissioner to bring the present resolution to the attention of Member States, United Nations organs, bodies and components, intergovernmental organizations, in particular the Bretton Woods institutions, and non-governmental organizations, and to disseminate it on the widest possible basis;

25. *Decides* to continue consideration of this matter under the same agenda item at its thirty-sixth session.

United Nations A/HRC/33/L.8

General Assembly

Distr.: Limited
23 September 2016

Original: English

**Human Rights Council**
**Thirty-third session**
Agenda item 3
**Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development**

**Belarus,* Bolivia (Plurinational State of), Cuba, Democratic People's Republic of Korea,* Ecuador, Egypt,* Namibia, Nicaragua,* Panama, South Africa, Venezuela (Bolivarian Republic of): draft resolution**

## 33/... The use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination

*The Human Rights Council,*

*Recalling* all previous resolutions adopted by the General Assembly, the Human Rights Council and the Commission on Human Rights on the subject, including Assembly resolution 64/151 of 18 December 2009 and Council resolutions 10/11 of 26 March 2009, 15/12 of 30 September 2010, 15/26 of 1 October 2010, 18/4 of 29 September 2011, 24/13 of 26 September 2013, 27/10 of 25 September 2014 and 30/6 of 1 October 2015,

*Recalling also* all relevant resolutions that, inter alia, condemn any State that permits or tolerates the recruitment, financing, training, assembly, transit or use of mercenaries with the objective of overthrowing the Governments of States Members of the United Nations, especially those of developing countries, or of fighting against national liberation movements, and recalling also the relevant resolutions and international instruments adopted by the General Assembly, the Security Council, the Economic and Social Council, the African Union and the Organization of African Unity, inter alia the Organization of African Unity Convention for the Elimination of Mercenarism in Africa,

*Recalling further* Human Rights Council resolutions 5/1, on institution-building of the Council, and 5/2, on the Code of Conduct for Special Procedures Mandate Holders of the Council, of 18 June 2007, and stressing that all mandate holders shall discharge their duties in accordance with these resolutions and the annexes thereto,

*Reaffirming* the purposes and principles enshrined in the Charter of the United Nations concerning the strict observance of the principles of sovereign equality, political

* State not a member of the Human Rights Council

independence, the territorial integrity of States, the self-determination of peoples, the non-use of force or threat of use of force in international relations and non-interference in affairs within the domestic jurisdiction of States,

*Reaffirming also* that, by virtue of the principle of self-determination, all peoples have the right to determine freely their political status and to pursue freely their economic, social and cultural development, and that every State has the duty to respect this right in accordance with the provisions of the Charter,

*Reaffirming further* the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations,[1]

*Alarmed and concerned* about the threat posed by the activities of mercenaries to peace and security in developing countries in various parts of the world, in particular in areas of conflict,

*Deeply concerned* at the loss of life, the substantial damage to property and the negative effects on the policies and economies of affected countries resulting from international criminal mercenary activities,

*Extremely alarmed and concerned* about recent mercenary activities in developing countries in various parts of the world, in particular in areas of conflict, and about the threat they pose to the integrity of and to respect for the constitutional order of the countries affected,

*Recalling* the holding of regional consultations in all five regions from 2007 to 2011, in which participants noted that the enjoyment and the exercise of human rights were increasingly impeded by the emergence of several new challenges and trends relating to mercenaries or their activities and by the role played by private military and security companies registered, operating or recruiting personnel in each region, and expressing its appreciation to the Office of the United Nations High Commissioner for Human Rights for its support for the holding of those consultations,

*Convinced* that, regardless of the way in which mercenaries or mercenary-related activities are used or the form that they take to acquire a semblance of legitimacy, they are a threat to peace, security and the self-determination of peoples and an obstacle to the enjoyment of human rights by peoples,

1. *Reaffirms* that the use of mercenaries, and their recruitment, financing, protection and training, are causes for grave concern to all States and violate the purposes and principles enshrined in the Charter of the United Nations;

2. *Recognizes* that armed conflicts, terrorism, arms trafficking and covert operations by third Powers encourage, inter alia, the demand for mercenaries and for private military and security companies on the global market;

3. *Urges once again* all States to take the necessary steps and to exercise the utmost vigilance against the threat posed by the activities of mercenaries, and to take legislative measures to ensure that their territories and other territories under their control, and their nationals, are not used for the recruitment, assembly, financing, training, protection and transit of mercenaries for the planning of activities designed to impede the right to self-determination, to overthrow the Government of any State or to dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and

[1] General Assembly resolution 2625 (XXV), annex.

independent States conducting themselves in compliance with the right of peoples to self-determination;

4. *Requests* all States to exercise the utmost vigilance against any kind of recruitment, training, hiring or financing of mercenaries;

5. *Also requests* all States to exercise the utmost vigilance in banning the use of private companies offering international military consultancy and security services when intervening in armed conflicts or actions to destabilize constitutional regimes;

6. *Encourages* States that import the military assistance, consultancy and security services provided by private companies to establish national regulatory mechanisms for the registering and licensing of those companies and for accountability and remedies for violations resulting from activities conducted by those companies, in order to ensure that imported services provided by those private companies neither impede the enjoyment of human rights nor violate human rights in the recipient country;

7. *Emphasizes* its utmost concern about the impact of the activities of private military and security companies on the enjoyment of human rights, in particular when operating in armed conflicts, in privatized prisons and immigration-related detention facilities and in the extractive industries, and notes that private military and security companies and their personnel are rarely held accountable for violations of human rights;

8. *Calls upon* all States that have not yet become a party to the International Convention against the Recruitment, Use, Financing and Training of Mercenaries to consider taking the necessary action to do so;

9. *Welcomes* the cooperation extended by those countries that were visited by the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination, and the adoption by some States of national legislation that restricts the recruitment, assembly, financing, training and transit of mercenaries;

10. *Condemns* mercenary activities in developing countries in various parts of the world, in particular in areas of conflict, and the threat they pose to the integrity of and to respect for the constitutional order of those countries and to the exercise of the right to self-determination of their peoples, and stresses the importance for the Working Group of looking into sources and root causes, and into the political motivations of mercenaries and for mercenary-related activities;

11. *Calls upon* States to investigate the possibility of mercenary and mercenary-related involvement whenever and wherever criminal acts of a terrorist nature occur and to bring to trial those found responsible or to consider their extradition, if so requested, in accordance with national law and applicable bilateral or international treaties;

12. *Condemns* any form of impunity granted to perpetrators of mercenary activities and to those responsible for the use, recruitment, financing and training of mercenaries, and urges all States, in accordance with their obligations under international law, to bring them, without distinction, to justice;

13. *Calls upon* the international community and all States, in accordance with their obligations under international law, to cooperate with and assist the judicial prosecution of those accused of mercenary activities, in transparent, open and fair trials;

14. *Acknowledges with appreciation* the work and contributions of the Working Group, including its research activities, and takes note of its most recent report;[2]

15. *Recalls* the holding of the fourth session of the open-ended intergovernmental working group to consider the possibility of elaborating an international regulatory framework on the regulation, monitoring and oversight of the activities of private military and security companies, expresses satisfaction at the participation of experts, including of the members of the Working Group, as resource persons in the above-mentioned session, and requests the Working Group and other experts to continue their participation in the open-ended intergovernmental working group and to submit contributions for its fifth session;

16. *Recommends* that all Member States, including those confronted with the phenomenon of private military and security companies, as contracting States, States of operations, home States, or States whose nationals are employed to work for a private military or security company, contribute to the work of the open-ended intergovernmental working group, taking into account the work carried out by the Working Group;

17. *Requests* the Working Group to continue the work already carried out by previous mandate holders on the strengthening of the international legal framework for the prevention and sanction of the recruitment, use, financing and training of mercenaries, taking into account the proposal for a new legal definition of the term "mercenary" drafted by the Special Rapporteur on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination in his report submitted to the Commission on Human Rights at its sixtieth session[3] and also the evolving phenomenon of mercenaries and its related forms;

18. *Reiterates* its requests to the Office of the High Commissioner to, as a matter of priority, publicize the adverse effects of the activities of mercenaries and private companies offering military assistance, consultancy and other military and security-related services on the international market on the right of peoples to self-determination and, when requested and where necessary, render advisory services to States that are affected by those activities;

19. *Requests* the Working Group to continue to monitor mercenaries and mercenary-related activities in all their forms and manifestations, and private military and security companies, in different parts of the world, including instances of protection provided by Governments to individuals involved in mercenary activities, and to continue to update the database of individuals convicted of mercenary activities;

20. *Also requests* the Working Group to continue to study and identify sources and causes, emerging issues, manifestations and trends in regard to mercenaries and mercenary-related activities and their impact on human rights, particularly on the right of peoples to self-determination;

21. *Renews*, for a period of three years, the mandate of the Working Group, for it to continue to undertake the tasks described by the Human Rights Council in its resolution 7/21 of 28 March 2008 and in all other relevant resolutions on the subject;

22. *Urges* all States to cooperate fully with the Working Group in the fulfilment of its mandate.

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[2] A/HRC/33/43.

[3] E/CN.4/2004/15.

23. *Requests* the Secretary-General and the High Commissioner to provide the Working Group with all the assistance and support necessary for the fulfilment of its mandate, both professional and financial, including by promoting cooperation between the Working Group and other components of the United Nations system that deal with countering mercenary-related activities, in order to meet the demands of its current and future activities;

24. *Requests* the Working Group to consult States, intergovernmental and non-governmental organizations and other relevant civil society actors in the implementation of the present resolution, and to report its findings on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination to the General Assembly at its seventy-second session and to the Human Rights Council at its thirty-sixth session;

25. *Decides* to continue its consideration of this matter under the same agenda item at its thirty-sixth session.

United Nations A/HRC/33/L.9

General Assembly

Distr.: Limited
26 September 2016

Original: English

**Human Rights Council**
**Thirty-third session**
Agenda item 3
**Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development**

**Albania, Argentina,* Austria,* Bosnia and Herzegovina,* Brazil,* Bulgaria,* Colombia,* Cyprus,* Ecuador, El Salvador, Haiti,* Honduras,* Israel,* Malta,* Mexico, Montenegro,* Panama, Peru,* Portugal, Qatar, Slovenia, Spain,* Timor-Leste,* Turkey,* Uruguay:* draft resolution**

## 33/... The human rights of older persons

*The Human Rights Council*,

*Guided* by the purposes and principles of the Charter of the United Nations,

*Guided also* by the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of Persons with Disabilities and other relevant human rights instruments,

*Reaffirming* the Vienna Declaration and Programme of Action,

*Bearing in mind* the Political Declaration and the Madrid International Plan of Action on Ageing of 2002, and all other relevant General Assembly resolutions,

*Recalling* Human Rights Council resolutions 21/23 of 28 September 2012 and 24/20 of 27 September 2013 on the human rights of older persons,

*Recalling also* its resolutions 5/1, on institution-building of the Human Rights Council, and 5/2, on the Code of Conduct for special procedures mandate holders of the Council, of 18 June 2007, and stressing that the mandate holder shall discharge his or her duties in accordance with those resolutions and the annexes thereto,

*Welcoming* the work and taking note with appreciation of the reports of the Independent Expert on the enjoyment of all human rights by older persons and of the Open-ended Working Group on Ageing, which is open to all States Members of the United

* State not a member of the Human Rights Council

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Nations, for the purpose of strengthening the protection of the human rights of older persons,

*Acknowledging* the efforts of States to determine the best way to strengthen the protection of the human rights of older persons, considering the various proposals that have been made within the Open-ended Working Group on Ageing, including the possible elaboration of a multilateral legal instrument on the rights of older persons,

*Acknowledging also* the adoption of the 2030 Agenda for Sustainable Development,[1] and stressing the need to ensure that no one is left behind, including older persons,

*Recognizing* the essential contribution that older men and women can make to the functioning of societies and to the achievement of the 2030 Agenda,

*Noting with appreciation* the developments at the regional level towards the protection and promotion of the human rights of older persons, such as the Inter-American Convention on the Protection of Human Rights of Older Persons and the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Older Persons in Africa, as adopted by their State parties,

*Noting* that, between 2015 and 2030, the number of persons aged 60 years or over is projected to grow by 56 per cent, from 901 million to 1.4 billion, and that this increase will be the greatest and the most rapid in the developing world, and recognizing that greater attention is needed to the specific challenges affecting older persons, including in the field of human rights,

*Concerned* at the multiple forms of discrimination that may affect older persons and at the high incidence of poverty and isolation among this particularly vulnerable group, especially older women, persons with disabilities, persons of African descent, individuals belonging to indigenous peoples, persons belonging to national or ethnic, religious and linguistic minorities, rural persons, persons living on the streets, migrants and refugees, among other groups,

1. *Recognizes* that older persons face a number of particular challenges in the enjoyment of their human rights that need to be addressed urgently, including in the areas of prevention of and protection against violence and abuse, social protection, food and housing, right to work, equality and non-discrimination, access to justice, education, training, health support, long-term and palliative care, lifelong learning, participation and accessibility;

2. *Emphasizes* the need for a comprehensive, all-encompassing approach to the care of older persons, which should be sustainable and based on human rights, and the need for coordination among sectors, policies, institutions, regional and local governments throughout the continuum of care, from prevention, promotion, rehabilitation to long-term and palliative care, including social care and other community services;

3. *Recalls* the need to combat the various forms of violence against older persons, a widespread phenomenon that includes discrimination in the public sphere, linguistic and employment discrimination, lack of access, isolation, neglect, financial exploitation, physical and psychological violence and the withholding of basic needs, as well as physical attacks;

4. *Reiterates* that poverty and lack of income security constitute major concerns for many older persons and that information and advisory services on social security

[1] General Assembly resolution 70/1.

payments, pensions and retirement planning contribute to preventing old-age poverty, reducing the risk-of-poverty rate, vulnerability and social exclusion;

5. *Emphasizes* that consultation with older persons is essential in the formulation and adoption of legislation and policies relating to their specific needs and concerns;

6. *Decides* to extend the mandate of the Independent Expert on the enjoyment of all human rights by older persons for a period of three years;

(*a*) To continue to assess the implementation of national, regional and international standards relevant to the rights of older persons and to identify, exchange and promote best practices related to the promotion and protection of these rights;

(*b*) To report on developments, challenges and protection gaps in the realization of the rights of older persons, including as input to the work of the Open-ended Working Group on Ageing, and to make recommendations to the Human Rights Council in this regard;

(*c*) To gather, request, receive and exchange information and communications from and with States and other relevant sources, including older persons, their representative organizations and other civil society organizations, on violations of the rights of older persons;

(*d*) To conduct, facilitate and support the provision of advisory services, technical assistance, capacity-building and international cooperation in support of national efforts for the effective realization of the rights of older persons;

(*e*) To raise awareness of the challenges faced in the realization of the human rights of older persons and of the positive contribution of older persons to society, and to provide them with information about their rights;

(*f*) To engage in dialogue and to consult with States and other relevant stakeholders, including United Nations agencies, funds and programmes, regional human rights mechanisms, national human rights institutions, older persons, civil society organizations and academic institutions;

(*g*) To work in cooperation with States, assisting them when requested, in order to foster the implementation of measures that contribute to the promotion and protection of the rights of older persons;

(*h*) To integrate a gender and disability perspective throughout the work of the mandate, and to address multiple, intersecting and aggravated forms of discrimination faced by older persons;

(*i*) To work in close coordination, while avoiding unnecessary duplication, with the Open-ended Working Group on Ageing, other special procedures and subsidiary organs of the Human Rights Council, relevant United Nations bodies and the treaty bodies;

7. *Requests* all Governments to cooperate with the Independent Expert, and invites them to provide the mandate holder with all the necessary information related to the mandate;

8. *Encourages* all relevant stakeholders, including United Nations agencies, funds and programmes, human rights mechanisms, national human rights institutions and civil society, and invites the private sector, donors and development agencies, to cooperate fully with the Independent Expert to enable the mandate holder to fulfil the mandate;

9. *Requests* the Secretary-General to ensure that the reports of the Independent Expert are brought to the attention of the Open-ended Working Group on Ageing, in

accordance with paragraphs 1 and 3 of General Assembly resolution 67/139 of 20 December 2012.

10. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide the Independent Expert with all the human, technical and financial resources necessary for the effective fulfilment of the mandate;

11. *Decides* to remain seized of the matter.

United Nations A/HRC/33/L.10

General Assembly

Distr.: Limited
23 September 2016

Original: English

**Human Rights Council**
**Thirty-third session**
Agenda item 3
**Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development**

**Albania, Andorra,* Argentina,* Armenia,* Australia,* Austria,* Belgium, Bosnia and Herzegovina,* Bulgaria,* Cyprus,* Denmark,* Estonia,* Finland,* France, Germany, Honduras,* Iceland,* Ireland,* Italy,* Latvia, Liechtenstein,* Luxembourg,* Malta,* Mexico, Montenegro,* Morocco, Netherlands, Panama, Peru,* Poland,* Portugal, Slovakia,* Slovenia, Spain,* Sweden,* Switzerland, Togo, Uruguay:* draft resolution**

## 33/... Human rights and transitional justice

*The Human Rights Council*,

*Guided* by the purposes and principles of the Charter of the United Nations,

*Reaffirming* the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the Geneva Conventions of 12 August 1949 and the Additional Protocols thereto of 8 June 1977, other relevant international human rights law and international humanitarian law instruments and the Vienna Declaration and Programme of Action,

*Reaffirming also* the significance of the Convention on the Prevention and Punishment of the Crime of Genocide and the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity as effective international instruments for the prevention and punishment of genocide, war crimes and crimes against humanity,

*Recalling* the set of principles for the protection and promotion of human rights through action to combat impunity,[1] and the updated version of those principles,[2]

*Recalling also* General Assembly resolution 60/147 of 16 December 2005, in which the Assembly adopted the Basic Principles and Guidelines on the Right to a Remedy and

* State not a member of the Human Rights Council.

[1] E/CN.4/Sub.2/1997/20/Rev.1, annex II.

[2] E/CN.4/2005/102/Add.1.

Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law,

*Recalling further* Commission on Human Rights resolutions 2005/70 of 20 April 2005, on human rights and transitional justice, 2005/81 of 21 April 2005, on impunity, and 2005/66 of 20 April 2005, on the right to the truth, Human Rights Council resolutions 9/10 of 24 September 2008, 12/11 of 1 October 2009 and 21/15 of 27 September 2012, on human rights and transitional justice, 9/11 of 18 September 2008, 12/12 of 1 October 2009 and 21/7 of 27 September 2012, on the right to the truth, 10/26 of 27 March 2009 and 15/5 of 29 September 2010, on forensic genetics, and Council decisions 2/105 of 27 November 2006, on the right to the truth, and 4/102 of 23 March 2007, on transitional justice, General Assembly resolution 68/165 of 18 December 2013, on the right to the truth, and Council resolutions 18/7 of 29 September 2011 and 27/3 of 25 September 2014, on the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence,

*Recalling* the 2005 World Summit Outcome,[1] especially paragraphs 138 and 139 thereof, in which all Heads of States and Governments affirmed that each individual State has the responsibility to protect its populations from genocide, war crimes, ethnic cleansing and crimes against humanity, and that this responsibility entails the prevention of such crimes,

*Recalling also* the report of the Secretary-General on the rule of law and transitional justice in conflict and post-conflict societies[2] and his follow-up report on the same topic,[3] including the relevant recommendations contained therein, and his reports issued in 2006,[4] 2012,[5] 2013[6] and 2014[7] outlining a programme of action to enhance the effectiveness of the support provided by the United Nations system for the promotion of the rule of law in conflict and post-conflict situations,

*Noting* the first and second international meetings of Global Action Against Mass Atrocity Crimes, held in San José, from 4 to 6 March 2014, and in Manila from 2 to 4 February 2016,

*Recalling* General Assembly resolution 70/262 of 27 April 2016 on the review of the United Nations peacebuilding architecture, and Security Council resolution 2282 (2016) of 27 April 2016, in which the Assembly and the Council, inter alia, stress that a comprehensive approach to transitional justice, including the promotion of healing and reconciliation, a professional, accountable and effective security sector, including through its reform, and inclusive and effective demobilization, disarmament and reintegration programmes, including the transition from demobilization and disarmament to reintegration, are critical to the consolidation of peace and stability, promoting poverty reduction, the rule of law, access to justice and good governance, further extending legitimate State authority and preventing countries from lapsing or relapsing into conflict,

*Taking note* of the work conducted by the International Law Commission on the topic of "crimes against humanity",

*Affirming* that impunity for gross violations and abuses of human rights and serious violations of international humanitarian law, including genocide, war crimes, ethnic

[1] General Assembly resolution 60/1

[2] S/2004/616

[3] S/2011/634

[4] A/61/636-S/2006/980 and Corr.1

[5] A/66/749

[6] S/2013/341

[7] A/68/213/Add.1 and A/69/181

cleansing and crimes against humanity, encourages their recurrence and is a fundamental obstacle to sustainable peace at the national level, and also to the furtherance of cooperation among peoples and the promotion of international peace and security, and that fighting impunity for such violations and crimes is an important factor for their deterrence and prevention,

*Noting with concern* that attempts to deny or to justify such crimes may risk undermining the fight against impunity, reconciliation and efforts to prevent such crimes,

*Underlining* that past or current gross violations and abuses of human rights and serious violations of international humanitarian law, and including those amounting to genocide, war crimes, ethnic cleansing and crimes against humanity, particularly if assuming an early pattern of conduct, create a risk of further violations when they have not been prevented, punished or adequately addressed,

*Acknowledging* that the fight against impunity and the implementation of transitional justice processes, including the promotion of truth, justice, reparation and guarantees of non-recurrence, can prevent the recurrence of past atrocities or similar violations,

*Recognizing* that justice processes, including public trials, memorialization processes and the preservation of archives and other reliable evidence concerning gross violations and abuses of human rights and serious violations of international humanitarian law, including genocide, war crimes, ethnic cleansing and crimes against humanity, ensure that such crimes are never forgotten and contribute to the prevention of the recurrence of these crimes or similar violations,

*Recognizing also* the importance of assisting States that have undergone past atrocities, upon their request and in cooperation with them, to devise a national comprehensive transitional justice strategy with a view to addressing the needs of victims and their right to an effective remedy, to preventing the recurrence of past atrocities or similar violations, to avoiding relapsing into conflict or other forms of violence, and to ensuring sustainable peace and reconciliation,

*Condemning* impunity for gross violations and abuses of human rights and serious violations of international humanitarian law, including genocide, war crimes, ethnic cleansing and crimes against humanity, and emphasizing the responsibility of States to comply with their obligations under relevant international instruments to end impunity and, to that end, to investigate thoroughly and to prosecute those responsible for such violations and crimes and address the right of victims to an effective remedy in order to avoid the recurrence of similar violations and to seek sustainable peace, justice, truth and reconciliation, and in this regard stressing also the importance of strengthening the capacity of domestic jurisdictions and inter-State cooperation,

*Recognizing* the role of the International Criminal Court in a multilateral system that aims to end impunity, establish the rule of law, promote and encourage respect for human rights and international humanitarian law and achieve sustainable peace, in accordance with international law and the purposes and principles of the Charter,

*Recognizing also* the fundamental role of civil society, through its engagement, advocacy and participation in decision-making processes, in preventing the commission of gross violations and abuses of human rights and serious violations of international humanitarian law, including genocide, war crimes, ethnic cleansing and crimes against humanity, or in addressing their legacy by promoting the right to the truth and the right to justice, reparation and guarantees of non-recurrence,

*Underlining* the fact that, when designing and implementing strategies, policies and measures to address gross violations and abuses of human rights and serious violations of international humanitarian law, including genocide, war crimes, ethnic cleansing and

crimes against humanity, the specific context of each situation must be taken into account with a view to preventing the recurrence of future violations and to ensure social cohesion, nation-building, ownership and inclusiveness at the national level and local levels with a view to promoting reconciliation,

*Emphasizing* the importance of a comprehensive approach to transitional justice incorporating the full range of judicial and non-judicial measures, including, among others, individual prosecutions, reparations, truth-seeking, institutional reform, vetting of public employees and officials, memorialization initiatives, and processes to achieve shared narratives or an appropriately conceived combination thereof, in order to, inter alia, ensure accountability, serve justice, provide remedies to victims, promote healing and reconciliation, establish independent oversight of the security system, restore confidence in the institutions of the State and promote the rule of law in accordance with international human rights law,

*Welcoming* the activities of the United Nations, including through its field presences, in assisting States to design, establish and implement transitional justice mechanisms and to promote the rule of law, and its conceptual and analytical work on transitional justice and human rights, and encouraging greater efforts to ensure that a gender perspective and a victim-centred approach are fully integrated into all of these activities,

*Taking note with appreciation* of the work and reports of the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence,

*Taking note* of the overall work developed by the Office of the Special Advisers of the Secretary-General on the Prevention of Genocide and the Responsibility to Protect, including the Framework of Analysis for Atrocity Crimes as one of the tools to assess the risk of genocide, war crimes, ethnic cleansing and crimes against humanity in any situation,

1. *Reiterates* the responsibility of each individual State to protect its population from genocide, war crimes, ethnic cleansing and crimes against humanity, which entails the prevention of such crimes, including their incitement, through appropriate and necessary means;

2. *Condemns* impunity for gross violations and abuses of human rights and serious violations of international humanitarian law, including genocide, war crimes, ethnic cleansing and crimes against humanity, emphasizes the responsibility of States to comply with their obligations under international law to end impunity, and urges States to seek sustainable peace, justice, truth and reconciliation through comprehensive transitional justice strategies, in particular to investigate thoroughly and prosecute those responsible for such violations and crimes, in order to avoid their recurrence and promote reconciliation at the national level;

3. *Acknowledges* the significant progress made by the international community, including within the United Nations system, in developing relevant mechanisms and practices to prevent incitement to and commission of genocide, war crimes, ethnic cleansing and crimes against humanity, the development of comprehensive transitional justice strategies, including the punishment of gross violations and abuses of human rights and serious violations of international humanitarian law, and emphasizes in this context the important role of national, subregional, regional and international efforts to prevent and address the legacy of these crimes and violations and therefore the necessity to strengthen the capacity of domestic efforts, jurisdictions and inter-State cooperation;

4. *Calls upon* States, where relevant, to develop comprehensive transitional justice strategies and to establish judicial and non-judicial mechanisms in order to address past atrocities, the needs of victims and their right to an effective remedy, and to prevent their recurrence;

5. *Encourages* States and international organizations to acknowledge and support the important role of civil society in the prevention of gross violations and abuses of human rights and serious violations of international humanitarian law, including genocide, war crimes, ethnic cleansing and crimes against humanity, and, where relevant, in the promotion and monitoring of comprehensive transitional justice approaches and efforts;

6. *Reaffirms* the important role of women in the prevention and resolution of conflicts and in peacebuilding, and stresses the importance of their equal participation and full involvement in the design, establishment and implementation of comprehensive transitional justice strategies;

7. *Calls upon* States to work to prevent potential situations that could result in gross violations and abuses of human rights and serious violations of international humanitarian law, in particular genocide, war crimes, ethnic cleansing and crimes against humanity, and, in relevant contexts, to timely and efficiently address the legacy of past atrocities in order to prevent their recurrence, including through cooperation with the Office of the Special Advisers of the Secretary-General on the Prevention of Genocide and the Responsibility to Protect and the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence;

8. *Requests* the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence and the Special Adviser of the Secretary-General on the Prevention of Genocide to prepare a joint study on the contribution of transitional justice to the prevention of gross violations and abuses of human rights and serious violations of international humanitarian law, including genocide, war crimes, ethnic cleansing and crimes against humanity, and their recurrence, to be presented to the Human Rights Council at its thirty-seventh session;

9. *Also requests* the Special Rapporteur and the Special Adviser, in preparing the above-mentioned study, to seek the views of States, relevant United Nations mandate holders, relevant United Nations agencies, funds and programmes, and in particular the Office of the United Nations High Commissioner for Human Rights, intergovernmental organizations, national human rights institutions, non-governmental organizations and other relevant stakeholders, including practitioners;

10. *Decides* to remain seized of the matter.

United Nations

A/HRC/33/L.11

General Assembly

Distr.: Limited
26 September 2016

Original: English

**Human Rights Council**
**Thirty-third session**
Agenda item 10
**Technical assistance and capacity-building**

**Australia,* Italy,* South Africa,† Turkey,* United Kingdom of Great Britain and Northern Ireland, United States of America:* draft resolution**

## 33/... Assistance to Somalia in the field of human rights

*The Human Rights Council*,

*Guided* by the Charter of the United Nations,

*Reaffirming* the Universal Declaration of Human Rights,

*Acknowledging* that peace and security, development and human rights are the pillars of the United Nations system,

*Reaffirming* its respect for the sovereignty, territorial integrity, political independence and unity of Somalia,

*Reaffirming also* its previous resolutions on Somalia,

*Recalling* its resolutions 5/1 and 5/2 of 18 June 2007,

*Recognizing* the continued urgent need to step up the scale, coherence and quality of all capacity development in and technical assistance to Somalia in the field of human rights, and in that regard welcoming the participation of States in the universal periodic review of Somalia,

*Recognizing also* the role that women have played and will continue to play in community mobilization and peacebuilding in Somali society, and the importance of promoting their economic empowerment and participation in political and public decision-making processes, including within Parliament and all levels of government, in line with Security Council resolution 1325 (2000) of 31 October 2000 on women, peace and security,

1. *Welcomes* the commitment of the Federal Government of Somalia to improve human rights in Somalia, and in that regard also welcomes:

* State not a member of the Human Rights Council.
† On behalf of the States Members of the United Nations that are members of the Group of African States.

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(d) The passing and ratification of the bill to establish a national human rights commission;

(e) The ratification by the Federal Government of the Convention on the Rights of the Child;

(f) The progress made in adopting a bill on sexual offences;

(g) The agreement and publication of a national plan of action on eradicating sexual violence in conflict;

(h) The ongoing efforts of the Federal Government of Somalia to produce the State's first national development plan in 30 years, and the commitments made therein to protect human rights and to promote gender equality and women's empowerment;

(i) The promotion of a post-transition human rights road map, which has included consultations with civil society and emerging regional administrations, and in this regard encourages support from the international community;

(j) The work undertaken by the Ministry of Women and Human Rights Development as the lead federal government body to advance the human rights agenda in Somalia, such as the gender strategy, working alongside the Ministry of Justice and Religious Affairs and other departments;

(k) The national security policy, as agreed by the National Leadership Forum, as a further important step on security sector reform, towards the Federal Government of Somalia being able to provide security to the people of Somalia;

(l) The continuing institutionalization of the promotion and protection of human rights in Somalia, including efforts to incorporate protection for civilians, internally displaced persons and returning refugees, and to promote human rights in the reform plans of the security and justice sectors;

2. *Also welcomes* the continued commitment of the Federal Government of Somalia to the universal periodic review process, in this regard welcomes its acceptance of recommendations made during the review, including to ratify the Convention on the Elimination of All Forms of Discrimination against Women and the African Charter on Human and Peoples' Rights, to establish a national human rights institution in accordance with Paris Principles, to extend a standing invitation to special procedure mandate holders to conduct investigations, to endeavour to protect civilians from attack and to prevent the recruitment and use of child soldiers;

3. *Expresses concern* at reports of violations and abuses of human rights in Somalia, and underscores the need to end the culture of impunity, uphold human rights for all and hold accountable all those who commit any such related crimes;

4. *Also expresses concern* at the abuses and violations perpetrated against girls and women, including sexual and gender-based violence, child early and forced marriage and female genital mutilation, and abuses and violations committed against children, including the unlawful recruitment and use of child soldiers, killing and maiming, rape and other sexual and gender-based violence, and abductions, and emphasizes the need for accountability and justice for all such violations and abuses;

5. *Further expresses concern* that internally displaced persons, which may include women, children and persons belonging to minorities, continue to bear the brunt of ongoing violence, abuses and violations, the most marginalized and vulnerable persons being the most at risk;

6. *Expresses concern at* the attacks against and harassment of human rights defenders, including journalists, in Somalia, and urges the authorities to continue efforts to

prohibit, prevent and protect against all unlawful kidnapping, killings, attacks, acts of intimidation and harassment of journalists, in order to promote respect for the freedom of expression and opinion and to end the culture of impunity, holding accountable those who commit any such related crimes;

7. *Strongly condemns* the serious and systematic violations and abuses perpetrated against members of the civilian population, including women, children, journalists, parliamentarians and human rights defenders, by Al-Shabaab and its affiliates, and calls for the immediate cessation of these violations and abuses and for perpetrators to be held accountable;

8. *Recognizes* the importance and effectiveness of international assistance to Somalia, and stresses that the primary responsibility for promoting and protecting human rights in Somalia rests with the Federal Government of Somalia;

9. *Underscores* the importance of coordinated international assistance to Somalia in the field of human rights, and in that respect welcomes:

(*a*) The continued work towards meeting the goals established in the Somali Compact, recognizing that a new framework will need to be reached between the Federal Government of Somalia and the international community to provide a coordinated approach to development, security and political issues with effect from the start of 2017, following the expiry of current Somali Compact at the end of 2016;

(*b*) The sustained and vital commitment of the African Union Mission in Somalia, recognizing the loss and sacrifice of personnel killed in action, and the Intergovernmental Authority on Development;

10. *Encourages* international donors to provide timely and tangible assistance to and to enhance cooperation with the Government of Somalia at the federal, regional State and subnational levels;

11. *Recognizes* the efforts of those States hosting Somali refugees, urges all host States to meet their obligations under international law relating to refugees, and urges the international community to continue to provide financial support to enable host States to meet the humanitarian needs of Somali refugees in the region, to support the reintegration of those returning to Somalia when conditions are suitable, and to support internally displaced persons;

12. *Calls upon* the Federal Government of Somalia, with the support of the international community:

(*a*) To prepare for and hold a credible, transparent and inclusive election process in 2016 leading to the establishment of the Upper House, the election of members of the House of the People, and the subsequent election of a President and a Government in accordance with the agreed framework and electoral model;

(*b*) To uphold its commitment to a quota of at least 30 per cent in the participation of women as Members of Parliament, in both houses;

(*c*) To continue the important work related to constitutional review after the 2016 electoral process, as part of the process towards "one person one vote" elections in 2020, and urges all parties to work together to achieve this while recognizing the importance of respect for the rule of law and the role of a constitution in protecting the rights of citizens and promoting national cohesion;

(*d*) To promote reconciliation and dialogue at the federal, regional State and subnational levels, recognizing the importance of the valuable assistance provided by the Intergovernmental Authority on Development;

(c) To continue work to establish independent, accountable and efficient judicial institutions, and to seek tangible and timely assistance from, inter alia, regional bodies, to reform the Somali judicial system and to enhance the capacity of Somali judges, with a particular focus on the promotion and protection of human rights and combating corruption;

(d) To initiate timely, effective, impartial and transparent investigations into killings of journalists and to prosecute all those responsible for unlawful acts, in a manner in line with provisions in the media law and consistent with other applicable domestic and international legal obligations, to create security and space for a free press to operate, and to take measures to protect and support civil society and human rights defenders, in particular in view of the forthcoming election process;

(e) To bring an end, in a clear and accessible manner, to the prevailing culture of impunity and to impose a zero-tolerance policy on sexual and gender-based violence, particularly sexual violence in conflict, ensuring that individuals found to be responsible for and complicit in sexual violence, exploitation and abuse, regardless of their status or rank, are held to account;

(f) To ensure the equitable participation of women, youth, members of minority groups and other marginalized groups in national political processes;

(g) To implement effectively the State's obligations under the Convention on the Elimination of All Forms of Discrimination against Women;

(h) To publish a plan to demonstrate how the media law will be implemented in accordance with its international human rights obligations and commitments;

(i) To harmonize national, regional, subregional and subnational political policies and legal frameworks with applicable human rights obligations and other commitments, including those referenced in the provisional Constitution and the migration and human rights agenda at the federal, regional State and subnational levels;

(j) To ensure the accountability of State institutions and security forces and those serving within them, and in so doing to increase awareness of and training on human rights among the Somali security forces at the national and subnational levels, including on the protection of civilians from, inter alia, sexual and gender-based violence, and on prevention of extrajudicial killings, with the timely and tangible support of the international community, to ensure that comprehensive vetting procedures are put in place for personnel in the security forces and in security institutions, and to issue clear and public orders that the Somali national armed forces, the Somali national police force and allied militias should comply with applicable national and international law;

(m) To work with regional leaders towards comprehensive security sector reform;

(n) To treat disengaged combatants, including children under 18 years of age, in accordance with applicable obligations under domestic and international law, in particular international human rights law and international humanitarian law, as applicable;

(o) To continue measures to implement the plans of action to end the unlawful recruitment and use of children in the Somalia national armed forces;

(p) To work with specialist agencies, such as the United Nations Children's Fund, to ensure that former child soldiers under 18 years of age are rehabilitated in accordance with international standards;

(q) To ensure the well-being and protection of all internally displaced persons, including from sexual and gender-based violence, and also from exploitation and abuse committed by State or international military or civilian personnel; to seek durable solutions for all internally displaced persons, including the most vulnerable; to ensure a fully

consultative process and best practice for relocations, and safe, sanitary new sites that have basic services, to ensure unfettered access for humanitarian organizations to recognize the acute vulnerability of internally displaced persons, to facilitate full humanitarian access to people in need, wherever they are in Somalia, and to safeguard the neutrality, impartiality and independence of humanitarian actors from political, economic, and military interference, while paying particular attention to the rights, freedoms and needs of members of ethnic minorities requiring humanitarian assistance;

13. *Urges* the Federal Government of Somalia to continue to engage constructively in the universal periodic review process, including through follow-up to commitments made during the review in 2018;

14. *Strongly commends* the engagement of the Independent Expert on the situation of human rights in Somalia;

15. *Stresses* the importance of technical assistance in building credible and impartial domestic capacity to undertake monitoring, investigations and public reporting to identify human rights concerns and inform appropriate remedies by duty-bearers;

16. *Also stresses* the important role of joint monitoring and reporting on the situation of human rights in Somalia by domestic and international experts and the Federal Government of Somalia, and the vital role that those monitoring human rights can play in evaluating and ensuring the success of technical assistance projects, which in turn need to be for the benefit of all Somalis;

17. *Underlines* the importance of the fulfilment by the United Nations Assistance Mission in Somalia of its mandate throughout Somalia and the need to ensure synergy with the work of the Office of the United Nations High Commissioner for Human Rights;

18. *Decides* to renew the mandate of the Independent Expert on the situation of human rights in Somalia, under agenda item 10, for a period of one year;

19. *Requests* the Independent Expert to continue his engagement with the Government of Somalia at the national and subnational levels, civil society and the United Nations Assistance Mission in Somalia with a view to assisting Somalia in the implementation of:

(a) Its domestic and international human rights obligations;

(b) Human Rights Council resolutions, other human rights instruments and associated routine reporting;

(c) The recommendations accepted during the universal periodic review;

(d) Other human rights commitments, including the post-transition human rights road map and particularly the process to implement the establishment of an independent human rights commission, and to uphold human rights during the election process and the political transition to a new Government;

20. *Also requests* the Independent Expert to report to the Human Rights Council at its thirty-sixth session;

21. *Requests* the Office of the High Commissioner and other relevant United Nations agencies to provide the Independent Expert with all the human, technical and financial assistance necessary to carry out his mandate;

22. *Decides* to remain actively seized of the matter.

United Nations A/HRC/33/L.11/Rev.1

General Assembly

Distr.: Limited
28 September 2016

Original: English

**Human Rights Council**
**Thirty-third session**
Agenda item 10
**Technical assistance and capacity-building**

**Australia,* Croatia,* Italy,* South Africa, Turkey,* United Kingdom of Great Britain and Northern Ireland, United States of America:* draft resolution**

## 33/... Assistance to Somalia in the field of human rights

*The Human Rights Council*,

*Guided* by the Charter of the United Nations,

*Reaffirming* the Universal Declaration of Human Rights,

*Acknowledging* that peace and security, development and human rights are the pillars of the United Nations system,

*Reaffirming* its respect for the sovereignty, territorial integrity, political independence and unity of Somalia,

*Reaffirming also* its previous resolutions on Somalia,

*Recalling* its resolutions S-1 and S-2 of 18 June 2007,

*Recognizing* the continued urgent need to step up the scale, coherence and quality of all capacity development in and technical assistance to Somalia in the field of human rights, and in that regard welcoming the participation of States in the universal periodic review of Somalia,

*Recognizing also* the role that women have played and will continue to play in community mobilization and peacebuilding in Somali society, and the importance of promoting their economic empowerment and participation in political and public decision-making processes, including within Parliament and all levels of government, in line with Security Council resolution 1325 (2000) of 31 October 2000 on women, peace and security,

1. *Welcomes* the commitment of the Federal Government of Somalia to improve human rights in Somalia, and in that regard also welcomes

* State not a member of the Human Rights Council.
[1] On behalf of the States Members of the United Nations that are members of the Group of African States.

(e) The passing and ratification of the bill to establish a national human rights commission;

(*b*) The ratification by the Federal Government of the Convention on the Rights of the Child;

(*c*) The progress made in adopting a bill on sexual offences;

(*d*) The agreement and publication of a national plan of action on eradicating sexual violence in conflict;

(*e*) The ongoing efforts of the Federal Government of Somalia to produce the State's first national development plan in 30 years, and the commitments made therein to protect human rights and to promote gender equality and women's empowerment;

(*f*) The promotion of and adherence to a post-transition human rights road map, which has included consultations with civil society and existing and emerging regional administrations, and in this regard encourages support from the international community;

(*g*) The work undertaken by the Ministry of Women and Human Rights Development as the lead federal government body to advance the human rights agenda in Somalia, such as the gender strategy, working alongside the Ministry of Justice and Religious Affairs and other departments;

(*h*) The national security policy, as agreed by the National Leadership Forum, as a further important step on security sector reform, towards the Federal Government of Somalia being able to provide security to the people of Somalia;

(*i*) The continuing institutionalization of the promotion and protection of human rights in Somalia, including efforts to incorporate protection for civilians, internally displaced persons and returning refugees, and to promote human rights in the reform plans of the security and justice sectors;

2. *Also welcomes* the continued commitment of the Federal Government of Somalia to the universal periodic review process, in this regard welcomes its acceptance of recommendations made during the review, including to ratify the Convention on the Elimination of All Forms of Discrimination against Women and the African Charter on Human and Peoples' Rights, to establish a national human rights institution in accordance with Paris Principles, to extend a standing invitation to special procedure mandate holders to conduct investigations, to endeavour to protect civilians from attack and to prevent the recruitment and use of child soldiers;

3. *Expresses concern* at reports of violations and abuses of human rights in Somalia, and underscores the need to end the culture of impunity, uphold human rights for all and hold accountable all those who commit any such related crimes;

4. *Also expresses concern* at the abuses and violations perpetrated against girls and women, including sexual and gender-based violence, child early and forced marriage and female genital mutilation, and abuses and violations committed against children, including the unlawful recruitment and use of child soldiers, killing and maiming, rape and other sexual and gender-based violence, and abductions, and emphasizes the need for accountability and justice for all such violations and abuses;

5. *Further expresses concern* that internally displaced persons, and the most marginalized and vulnerable persons, which may include women, children and persons belonging to minorities, being the most at risk, bear the brunt of violence, abuses and violations;

6. *Expresses concern* at the attacks against and harassment of human rights defenders, including journalists, in Somalia, and urges the authorities to continue efforts to

prohibit, prevent and protect against all kidnapping, killings, attacks, acts of intimidation and harassment of journalists, in order to promote respect for the freedom of expression and opinion and to end the culture of impunity, holding accountable those who commit such and such related crimes;

7. *Strongly condemns* the serious and systematic violations and abuses perpetrated against members of the civilian population, including women, children, journalists, parliamentarians and human rights defenders, by Al-Shabaab and its affiliates, and calls for the immediate cessation of these violations and abuses and for perpetrators to be held accountable;

8. *Recognizes* the importance and effectiveness of international assistance to Somalia, and stresses that the primary responsibility for promoting and protecting human rights in Somalia rests with the Federal Government of Somalia;

9. *Underscores* the importance of coordinated international assistance to Somalia in the field of human rights, and in that respect welcomes:

(*a*) The continued work towards meeting the goals established in the Somali Compact, recognizing that a new framework will need to be reached between the Federal Government of Somalia and the international community to provide a coordinated approach to development, security and political issues with effect from the start of 2017, following the expiry of current Somali Compact at the end of 2016;

(*b*) The sustained and vital commitment of the African Union Mission in Somalia, recognizing the loss and sacrifice of personnel killed in action, and the Intergovernmental Authority on Development;

10. *Encourages* international donors to provide timely and tangible assistance to and to enhance cooperation with the Government of Somalia at the federal, regional State and subnational levels;

11. *Recognizes* the efforts of those States hosting Somali refugees, urges all host States to meet their obligations under international law relating to refugees, and urges the international community to continue to provide financial support to enable host States to meet the humanitarian needs of Somali refugees in the region, to support the reintegration of those returning to Somalia when conditions are suitable, and to support internally displaced persons;

12. *Calls upon* the Federal Government of Somalia, with the support of the international community:

(*a*) To prepare for and hold a credible, transparent and inclusive election process in 2016 leading to the establishment of the Upper House, the election of members of the House of the People, and the subsequent election of a President and a Government in accordance with the agreed framework and electoral model;

(*b*) To uphold the commitment of the Federal Government and of regional authorities to increase participation of women so that at least 30 per cent of Members of Parliament are women in both houses;

(*c*) To continue to strengthen the important work related to constitutional review after the 2016 electoral process, as part of the process towards "one person one vote" elections in 2020, and urges all parties to work together to achieve this while recognizing the importance of respect for human rights, including the right to peaceful assembly and association, the rule of law and the role of a constitution in protecting the rights of individuals and promoting national cohesion;

(d) To promote reconciliation and dialogue at the federal, regional State and subnational levels, recognizing the importance of the valuable assistance provided by the Intergovernmental Authority on Development;

(e) To continue work to establish independent, accountable and efficient judicial institutions, and to seek tangible and timely assistance from, inter alia, regional bodies, to reform the Somali judicial system and to enhance the capacity of Somali judges, with a particular focus on the promotion and protection of human rights and combating corruption;

(f) To initiate timely, effective, impartial and transparent investigations into killings of journalists and to prosecute all those responsible for unlawful acts, in a manner in line with provisions in the media law and in a manner that is equally consistent with other applicable domestic and international legal obligations, to create security and space for a free press to operate, and to take measures to protect and support, in law and in practice, a safe and enabling environment in which civil society and human rights defenders can operate free from hindrance and insecurity, in particular in view of the forthcoming election process;

(g) To bring an end, in a clear and accessible manner, to the prevailing culture of impunity and to impose a zero-tolerance policy on sexual and gender-based violence, particularly sexual violence in conflict, ensuring that perpetrators of sexual violence, exploitation and abuse, regardless of their status or rank, are held to account;

(h) To ensure the equitable participation of women, youth, members of minority groups and other marginalized groups in national political processes;

(i) To implement effectively the State's obligations under the Convention on the Elimination of All Forms of Discrimination against Women;

(j) To publish a plan to demonstrate how the media law will be implemented in accordance with its international human rights obligations and commitments;

(k) To harmonize national, regional, subregional and subnational political policies and legal frameworks with applicable human rights obligations and other commitments, including those referenced in the provisional Constitution and the migration and human rights agenda at the federal, regional State and subnational levels;

(l) To ensure the accountability of State institutions and security forces and those serving within them, and in so doing to increase awareness of and training on human rights among the Somali security forces at the national and subnational levels, including on the protection of civilians from, inter alia, sexual and gender-based violence, and on prevention of extrajudicial killings, with the timely and tangible support of the international community, to ensure that comprehensive vetting procedures are put in place for personnel in the security forces and in security institutions, and to issue clear and public orders that the Somali national armed forces, the Somali national police force and allied militias should comply with applicable national and international law;

(m) To work with regional leaders towards comprehensive security sector reform;

(n) To treat former combatants, including children under 18 years of age, in accordance with applicable obligations under domestic and international law, in particular international human rights law and international humanitarian law, as applicable;

(o) To continue measures to implement the plans of action to end the unlawful recruitment and use of children in the Somalia national armed forces;

(p) To work with specialist agencies, such as the United Nations Children's Fund, to ensure that former child soldiers under 18 years of age are rehabilitated in accordance with international standards;

(*q*) To ensure the well-being and protection of all internally displaced persons, including from sexual and gender-based violence, and also from exploitation and abuse committed by State or international military or civilian personnel, to seek durable solutions for all internally displaced persons, including the most vulnerable, to ensure a fully consultative process and best practice for relocations, and safe, sanitary new sites that have basic services, to ensure unfettered access for humanitarian organizations, to recognize the acute vulnerability of internally displaced persons, to facilitate full, rapid and unimpeded humanitarian access to people in need, wherever they are in Somalia, and to safeguard the neutrality, impartiality and independence of humanitarian actors from political, economic and military interference, while paying particular attention to the rights, freedoms and needs of persons belonging to ethnic minorities requiring humanitarian assistance;

(*r*) To continue to engage constructively in the universal periodic review process, including through follow-up to commitments made during the review in 2016.

13. *Strongly commends* the engagement of the Independent Expert on the situation of human rights in Somalia;

14. *Stresses* the importance of technical assistance in building credible and impartial domestic capacity to undertake monitoring, investigations and public reporting to identify human rights concerns and inform appropriate remedies by duty-bearers;

15. *Also stresses* the important role of joint monitoring and reporting on the situation of human rights in Somalia by domestic and international experts and the Federal Government of Somalia, and the vital role that those monitoring human rights can play in evaluating and ensuring the success of technical assistance projects, which in turn must be for the benefit of all Somalis;

16. *Underlines* the importance of the realization by the United Nations Assistance Mission in Somalia of its mandate throughout Somalia and the need to ensure synergy with the work of the Office of the United Nations High Commissioner for Human Rights;

17. *Decides* to renew the mandate of the Independent Expert on the situation of human rights in Somalia, under agenda item 10, for a period of one year;

18. *Requests* the Independent Expert to continue his engagement with the Government of Somalia at the national and subnational levels, civil society and the United Nations Assistance Mission in Somalia with a view to assisting Somalia in the implementation of:

(*a*) Its domestic and international human rights obligations;

(*b*) Human Rights Council resolutions, other human rights instruments and associated routine reporting;

(*c*) The recommendations accepted during the universal periodic review;

(*d*) Other human rights commitments, including the post-transition human rights road map and particularly the process to implement the establishment of an independent human rights commission, and to uphold human rights during the election process and the political transition to a new Government;

19. *Also requests* the Independent Expert to report to the Human Rights Council at its thirty-sixth session;

20. *Requests* the Office of the High Commissioner and other relevant United Nations agencies to provide the Independent Expert with all the human, technical and financial assistance necessary to carry out his mandate;

21. *Decides* to remain actively seized of the matter.

United Nations A/HRC/33/L.12

General Assembly

Distr.: Limited
27 September 2016

Original: English

**Human Rights Council**
**Thirty-third session**
Agenda item 3
**Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development**

**Australia,* Austria,* Belgium, Bosnia and Herzegovina,* Bulgaria,* Canada,* Chile,* Croatia,* Cyprus,* Denmark,* Fiji,* France, Georgia, Germany, Greece,* Guatemala,* Honduras,* Hungary,* Iceland,* Ireland,* Italy,* Latvia, Luxembourg,* Maldives, Malta,* Montenegro,* Morocco, Netherlands, Panama, Peru,* Poland,* Portugal, Republic of Korea, Republic of Moldova,* Romania,* Rwanda,* Serbia,* Slovakia,* Slovenia, Spain,* Sweden,* Switzerland, Thailand,* Ukraine,* United Kingdom of Great Britain and Northern Ireland, United States of America,* Uruguay:* draft resolution**

## 33/... The role of prevention in the promotion and protection of human rights

*The Human Rights Council,*

*Reaffirming* the purposes and principles of the Charter of the United Nations and the obligations of States thereunder to promote universal respect for and observance of human rights and fundamental freedoms,

*Reaffirming also* the Universal Declaration of Human Rights and the Vienna Declaration and Programme of Action, and recalling the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and other human rights instruments, as well as the outcomes of major United Nations conferences and relevant resolutions adopted by the General Assembly and the Human Rights Council,

*Recalling* the role of the Human Rights Council in the prevention of human rights violations through cooperation and dialogue, in accordance with General Assembly resolution 60/251 of 15 March 2006,

*Reaffirming* that all human rights are universal, indivisible, interrelated, interdependent and mutually reinforcing, and that all human rights must be treated in a fair and equal manner, on the same footing and with the same emphasis,

* State not a member of the Human Rights Council.

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*Expressing concern* at continued human rights violations around the world,

*Recalling* Human Rights Council resolutions 5/1 and 5/2 of 18 June 2007 and 16/21 of 25 March 2011,

*Reaffirming* Human Rights Council resolutions 14/5 of 17 June 2010, 18/13 of 29 September 2011 and 24/16 of 27 September 2013,

1. *Affirms* the importance of effective preventive measures as a part of overall strategies for the promotion and protection of all human rights;

2. *Recognizes* that States have the primary responsibility for the promotion and protection of all human rights, including the prevention of human rights violations;

3. *Stresses* that States should promote supportive and enabling environments for the prevention of human rights violations, including, inter alia, by:

(a) Considering ratifying international human rights conventions and covenants;

(b) Fully implementing international human rights conventions and covenants to which they are party;

(c) Enhancing and developing good governance, democratic systems, the rule of law and accountability;

(d) Adopting policies to ensure the enjoyment of all human rights, including civil, political, economic, social and cultural rights;

(e) Addressing all forms of discrimination, including racial discrimination;

(f) Addressing factors, inter alia, inequality and poverty, that may lead to situations in which human rights violations are committed;

(g) Promoting a free and active civil society;

(h) Promoting freedom of opinion and expression;

(i) Ensuring, where they exist, strong and independent national human rights institutions, in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles);

(j) Promoting human rights education and training;

(k) Ensuring an independent and functioning judiciary;

(l) Fighting corruption;

4. *Welcomes* the role of national human rights institutions in contributing to the prevention of human rights violations, and encourages States to strengthen the mandate and capacity of such institutions, where they exist, to enable them to fulfil this role effectively in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles);

5. *Continues* to invite national human rights institutions to consider addressing the issue of the role of prevention in the promotion and protection of human rights in the framework of relevant international and regional forums;

6. *Welcomes* the role of the civil society in contributing to the promotion of human rights and the prevention of human rights violations;

7. *Acknowledges* that, in its resolution 60/251, the General Assembly decided that the Human Rights Council shall, inter alia, contribute, through dialogue and cooperation, towards the prevention of human rights violations and respond promptly to human rights emergencies;

8. *Also acknowledges* the importance of the universal periodic review as a cooperative mechanism of the Human Rights Council aimed at, inter alia, improvement of human rights situations on the ground and the fulfilment of the State's human rights obligations and commitments, based on the principle of promoting the universality, interdependence, indivisibility and interrelatedness of all human rights;

9. *Stresses* the need to develop further the concept of prevention of human rights violations and to step up efforts to raise awareness of prevention in the promotion and protection of human rights in order to encourage its reflection in relevant policies and strategies at the national, regional and international levels;

10. *Recognizes* the need for further research to assist States, at their request, and other stakeholders to understand and mainstream the role of prevention in the promotion and protection of human rights;

11. *Continues to encourage* the United Nations High Commissioner for Human Rights, on the basis of consultations with States, relevant regional organizations, national human rights institutions and other relevant stakeholders, to inform the Human Rights Council on a regular basis on the practical application of prevention in the promotion and protection of human rights;

12. *Notes with appreciation* the convening by the Human Rights Council at its twenty-seventh session of a panel discussion on the role of prevention in the promotion and protection of human rights, organized by the Office of the United Nations High Commissioner for Human Rights in consultation with States, relevant United Nations bodies, funds and programmes, treaty bodies, special procedures and regional human rights mechanisms, as well as with civil society, including non-governmental organizations, and national human rights institutions, and the preparation by the Office of the High Commissioner of a summary report on the outcome of the panel discussion, presented to the Council at its twenty-eighth session;

13. *Takes note* of the study on the prevention of human rights violations and its practical implementation,[1] drafted by the Office of the High Commissioner in consultation with States, national human rights institutions, civil society, relevant intergovernmental bodies and international organizations, duly taking into account, inter alia, the outcome of the above-mentioned panel discussion, and presented to the Human Rights Council at its thirtieth session;

14. *Requests* the Office of the High Commissioner:

(*a*) To organize, prior to the thirty-seventh session of the Human Rights Council, an expert workshop to discuss the role and contribution of civil society organizations, academia, national human rights institutions and other relevant stakeholders in the prevention of human rights abuses, drawing on the conclusions and recommendations of the above-mentioned study;

(*b*) To invite States, relevant United Nations bodies, funds and programmes, intergovernmental organizations, treaty bodies, special procedures, regional human rights mechanisms, civil society organizations, academia, national human rights institutions and other relevant stakeholders to participate actively in the workshop;

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[1] A/HRC/28/30

[2] A/HRC/30/20

(c) To prepare a summary report on the above-mentioned workshop, including any recommendations stemming therefrom, and to submit it to the Human Rights Council at its thirty-ninth session;

15. *Encourages* the Office of the High Commissioner to continue to gather information and research for further preparation of a practical toolkit to support States and other stakeholders in the practical application of prevention in the promotion and protection of human rights;

16. *Decides* to continue consideration of the matter under the same agenda item, in conformity with its annual programme of work.

United Nations A/HRC/33/L.13

General Assembly

Distr.: Limited
26 September 2016

Original: English

**Human Rights Council**
**Thirty-third session**
Agenda item 3
**Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development**

**Bolivia (Plurinational State of), Cuba, Ecuador, El Salvador, Haiti,* Honduras,* Panama, Peru,* Philippines, State of Palestine,* Thailand,* Ukraine,* United States of America,* Venezuela (Bolivarian Republic of): draft resolution**

## 33/... Unaccompanied migrant children and adolescents and human rights

*The Human Rights Council,*

*Reaffirming* the Universal Declaration of Human Rights, which proclaims that all human beings are born free and equal in dignity and rights, and that everyone is entitled to all the rights and freedoms set out therein, without distinction of any kind, in particular as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

*Recalling* the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child and the Optional Protocol thereto on the sale of children, child prostitution and child pornography, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Rights of Persons with Disabilities, the Vienna Convention on Consular Relations, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Convention against Discrimination in Education, the 1951 Convention relating to the Status of Refugees and the 1967 Protocol thereto, and the Worst Forms of Child Labour Convention, 1999 (No. 182) of the International Labour Organization,

* State not a member of the Human Rights Council.

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*1616529*

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*Recalling also* all previous resolutions of the General Assembly on the protection of the human rights of migrants, in particular those relating to the situation of unaccompanied migrant children and adolescents, such as resolution 69/187 of 18 December 2014, Human Rights Council resolutions on the protection of the human rights of migrants, in particular resolution 29/12 of 1 July 2015, the work of various special mechanisms of the Council that have reported on the situation of human rights and fundamental freedoms of migrants, Commission on Population and Development resolution 2013/1 of 26 April 2013, entitled "New trends in migration: demographic aspects" and the Declaration of the High-level Dialogue on International Migration and Development, adopted on 3 October 2013,

*Taking note* of the progress report of the Advisory Committee on the global issue of unaccompanied migrant children and adolescents and human rights, which presents an analysis of the situation of children with high vulnerability,[1]

*Taking note also* of the work of the Special Rapporteur on the human rights of migrants, especially the reports in which the mandate holder addresses the human rights of migrant children and adolescents, and inviting States to give due consideration to the recommendations contained therein, and of the work of the Committee on the Rights of the Child with regard to the treatment of unaccompanied and separated children outside their country of origin, including in its general comment No 6 (2005) on the topic, as well as the general discussion of the Committee in 2012 on the rights of all children in the context of international migration,

*Acknowledging* the contribution of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families to the international system for the protection of migrants,

*Welcoming* the convening of the high-level plenary meeting on addressing large movements of refugees and migrants, held in New York on 19 September 2016,

*Taking note* of the report of the Office of the United Nations High Commissioner for Human Rights, entitled "Situation of migrants in transit",[2] in which the Office analyses the human rights situation of migrants in transit, highlights human rights concerns and makes recommendations aimed at addressing critical protection gaps for migrants in transit, including unaccompanied children and adolescents, and women and girls,

*Expressing serious concern* about the situation of migrants, in particular children and adolescents, who are forced to flee or decide to leave their homelands owing to multiple causes and who are unaccompanied or separated from their families, and face a variety of risks on the migratory route, and calling upon States of origin, transit and destination to work together to find effective and sustainable solutions within a framework of solidarity and regional and international cooperation,

*Concerned* by the fact that the protection and assistance needs of many unaccompanied migrant children, often including their most basic needs, have not yet been met,

*Deeply concerned* by the fact that migrant children and adolescents who are in vulnerable situations when attempting to cross international borders without the required travel documents may be exposed to serious human rights violations and abuses that can threaten their physical, emotional and psychological health and well-being, and may also be exposed to crimes and human rights abuses, including theft, kidnapping, extortion, physical

[1] A/HRC/33/53.
[2] A/HRC/31/35.

abuse, smuggling and trafficking in persons, including forced labour, and sexual exploitation and abuse, during their journeys,

*Welcoming* the adoption by the General Assembly of the 2030 Agenda for Sustainable Development,[1] in which migration is included for the first time in the global development framework, acknowledging that implementation of the 2030 Agenda could have a positive impact in addressing some of the root causes of migration and hence reduce forced migration and result in situations in which migration is a choice, and recognizing the importance of international cooperation in achieving these goals,

*Mindful* of the fact that in the fulfilment of their obligations to promote, protect and respect the rights of migrants in accordance with international law, States of origin, transit and destination can benefit from greater international cooperation,

1. *Calls upon* countries of origin, transit and destination to facilitate family reunification, as appropriate, as an important objective that promotes the welfare and the best interests of unaccompanied migrant children and adolescents, as applicable under national law, due process and the relevant provisions of the Convention on the Rights of the Child and the Optional Protocols thereto, and to comply with the consular notification and access obligations set forth in the Vienna Convention on Consular Relations so that States may provide child-friendly consular assistance, as appropriate, including legal assistance;

2. *Encourages* States to take into account the principle of the best interests of the child as a primary consideration and to promote, protect and respect the rights of children, bearing in mind in particular their needs at all times, including in the process of return to their countries of origin, and ensuring that in any type of return, whether voluntary or otherwise, the principle of non-refoulement is respected in accordance with applicable international law;

3. *Reminds* States that migrant children should not be subject to arbitrary arrest or arbitrary detention, and encourages States to respect the human rights of each child and to take into account, as a primary consideration, the best interests of the child;

4. *Calls upon* all States to ensure that their immigration policies are consistent with their obligations under international law, and to promote and protect the human rights of all migrants without discrimination, including by taking steps to increase cooperation and coordination at all levels to address serious human rights violations and abuses, serious crimes such as the smuggling and trafficking of unaccompanied migrant children, as well as other abuse and exploitation;

5. *Decides* to convene at its thirty-fifth session a panel discussion on the theme, "Unaccompanied migrant children and adolescents and human rights", the objective of which will be to identify challenges and best practices by countries of origin, transit and destination, and possible joint efforts at all levels to protect the human rights of unaccompanied migrant children and adolescents, and requests the United Nations High Commissioner for Human Rights to liaise with States and all stakeholders, including relevant United Nations bodies, agencies, funds and programmes, treaty bodies, special procedures of the Human Rights Council, national human rights institutions and civil society, with a view to facilitating their participation in the panel discussion;

6. *Requests* the High Commissioner to prepare a report on the panel discussion in the form of a summary, and to submit it to the Human Rights Council at its thirty-sixth session;

[1] General Assembly resolution 70/1.

7. *Notes* the request made by the Advisory Committee at its sixteenth session to extend the time schedule envisaged to allow for better informed work by, inter alia, taking into account the work currently under way by the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families and the Committee on the Rights of the Child, which is scheduled to be finalized at the end of 2016, and requests the Advisory Committee to submit a final report on the global issue of unaccompanied migrant children and adolescents and human rights to the Human Rights Council at its thirty-sixth session;

8. *Invites* the special procedures of the Human Rights Council, within their mandates, to continue to give due consideration to the situation of unaccompanied migrant children and adolescents and the impact of this issue on the full enjoyment of their human rights, and to continue to report thereon;

9. *Decides* to remain seized of the matter.